

# LiverpoolLaw

July 2021

Liverpool Law Society

The magazine for the legal sector in  
Merseyside and the North West



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# July 2021

4



4. The latest from the Editor, Jennifer Powell

5



5. The latest from the President, Julie O'Hare

8. 2021 Compliance Conference

10. How to be an Ally in the workplace

12. The Rise of the Remote Hearing

14. 601 Hillsborough victims secure settlement of civil claims over police cover-up

16. Access to Justice  
The latest from Vauxhall Community and Law Centre and Merseyside Law Centre

20. Bell v Tavistock

22. Weightmans host inaugural Four Regions Resolution Conference

24. Faye Fishlock joins Carpenters Group as Head of Defendant Services

27. Ex-military soldier joins Liverpool law firm as performance coach

30. Lockdown Silver Linings

36. The latest from Julie Johnson, Chair of the Commercial District BID

44. Charity & CSR News

45. Charity Spotlight: Thrive

Front cover photo by Ian Dooley on Unsplash

## DEADLINES 2021

27th July

23rd August

24th September

27th October

24th November

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Liverpool Law Society Magazine is produced by and for Liverpool Law Society Members. This is our opportunity to share our news, events and celebrations with our friends in the legal community.

All members' contributions to Liverpool Law are warmly welcomed. Please send your article (and photo captions where possible) or request for further information, or assistance to the editor at [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

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Apt 327 Holden Mill  
Blackburn Road  
Bolton  
BL1 7PN  
Email:  
[j.baskerville@jbaskerville.co.uk](mailto:j.baskerville@jbaskerville.co.uk)



## Welcome to the July 2021 edition of Liverpool Law

**Jennifer Powell**  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

This month we have another bumper section of Movers and Shakers. Each month I can't help but be impressed by the amount of people moving firms. We may still be in some sort of strange lockdown rut at the minute but our legal community continues to thrive. Maybe we are slowly putting COVID behind us and just getting on with things?! We can't put our lives on hold forever and this virus certainly doesn't seem to be going anywhere, so congratulations and good luck to all those taking the plunge and taking on new amazing roles.

We have remained upbeat throughout here at Liverpool Law and I have enjoyed gaining an insight into personal achievements/ambitions of our contributors when responding to our questions. This month is no different and it is great to see what you have all found to be a 'Silver Lining' from this pandemic and the new/rejuvenated hobbies you have taken up. During lockdown I have

moved house and I am quickly trying to renovate the next one before my next baby comes along this month- so I've certainly been busy! The renovation has involved some savvy upcycling of furniture which I have enjoyed doing and has the added bonus of saving some items going to the tip. I do wish I had purchased shares in the particular paint brand pre pandemic though, much like many wish they had in Zoom!

Our CSR pages are getting busier each month which is great to see. Please keep your submissions coming and if you have any local charities you would like us to highlight send over the details and we will gladly include them. These past 18 months have been hard for businesses and more so charities so your support is needed now more than ever.

**Jennifer Powell**  
**Editor**  
[editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)

## DIARY DATES

For further information on any of these events, please view our website or contact the Society.

Due to the coronavirus the following forthcoming meetings and events will be online to maintain safe distancing:

07/07/2021 09:30	Joint V Meeting (Officers & CEOs of Birmingham, Bristol, Leeds, Liverpool & Manchester Law Societies)
13/07/2021 12:30	General Committee
14/07/2021 12:30	Finance & Policy Sub-Committee
15/07/2021 13:00	Future Planning Sub-Committee
16/07/2021 15:00	The Law Society's Presidents' and Secretaries' Conference 2021 Online
20/07/2021 11:00	Editorial Sub-Committee
21/07/2021 13:00	Equality, Diversity and Inclusion Sub-Committee
22/07/2021 13:00	Civil Litigation Sub-Committee
22/07/2021 16:00	Criminal Practice Sub-Committee
29/07/2021 13:00	Directors and LCR Councillors' meeting
17/08/2021 13:00	Editorial Sub-Committee
31/08/2021 12:30	Finance & Policy Sub-Committee

## Editorial Committee Dates

Tue 20/07/2021  
Tue 17/08/2021  
Tue 15/09/2021  
Tue 19/10/2021  
Tue 16/11/2021



# From the President

## The latest from the President, Julie O'Hare

With the summer underway I do hope that you are all taking the opportunity to get out into the warm weather and recharge your batteries! As busy as we can all get it is so important to remember to look after your wellbeing (both physically and emotionally). At the Society we are conscious of the toll the pandemic has been taken on us all but more so the junior members of the profession. Last month we ran a "Burn Bright, Not Out" masterclass in conjunction with the MJLD and I hope that those who attended found the session useful!

I appreciate that individual member firms are also running similar programmes for their staff. However, if there is anything more that you think we, as a Society, could be doing to help you with your wellbeing during this difficult time please let us know!

This last month we also held a Leaders in Law "Future of the Workplace" session. It was interesting to hear how some of you have approached the last few months and the preparations that are underway to get more staff back in the office. At the time of the meeting we were awaiting the Government's announcement about the lifting of lockdown. Well, we all know how that panned out!

So, with office returns delayed slightly we would like to hear from you about what your plans are, the approaches taken by your firm and how you feel about going back. I know that for many working from home has given them much more control over their work/life balance but for others they need to get back as soon as possible! There are pros and cons to both but it was encouraging to hear that some of our member firms are taking the time to listen to staff and take their views into account when making any decisions.

My thoughts go out to our colleagues in personal injury and property who have been under immense pressure the last few months in preparing for the OIC portal and, of course, the end of the stamp duty rush! I really hope that things start to settle over the next month and you get some well deserved R&R!

The Society is due to host the Joint V meeting 7 July and, sadly, while we may not be face to face we will be welcoming Leeds, Manchester, Birmingham and Bristol in a virtual setting! On the agenda will be the closure of the SIF and run off cover and Online Dispute Resolution. As always it will be good to hear from other societies and see what initiatives are currently on their agendas!

We have held another of our EDI events too last month – "Legally Disabled" and I hope those who attended found the presentation enlightening!

Look out for future events from this committee as we will be looking to slot more into the program this year!

I am pleased to remind you that all of our subcommittees have continued to meet throughout lockdown (remotely of course) as



**Julie O'Hare**

has our General Committee of Board members. We continue to consider a great number of consultation papers and submit responses on your behalf.

If you have any concerns that you would like us to address locally, or nationally, then please do get in touch with our committee chairs via the website. Likewise, if you want to be involved as part of the solution please register your interest in joining our subcommittees – we are always open to considering new members!

Our staff have worked tirelessly to bring you training remotely – this includes relevant topics that you have asked for and recorded sessions so that you can catch up at your convenience! As we start to return to the office we will be looking at putting face to face training in the diary but believe hybrid training will be here to stay! If you have any training needs please contact us and we shall look at supporting you where possible.

Finally, our Annual Dinner is going ahead 4 November at the Rum Warehouse. This year is a first for us in that we will be announcing the winners of our Legal Awards! Take a look at our website for the categories and make sure you submit your entry before the nomination closing date of 6 September!

Please keep us posted of how you are all getting on and I very much look forward to seeing you all as soon as possible!

**Julie O'Hare**  
President

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# Meet the Director: Rachel Stalker

Last month Rachel Stalker, Clinical Legal Education Programme Leader at Liverpool John Moores University was appointed a Director of Liverpool Law Society.

Rachel recently took over the role as Chair of the In House Sub-Committee from Martyn Rodmell, but has been a member of the Sub Committee since its inception in 2018.

From Liverpool, Rachel read Jurisprudence at Christ Church, Oxford, and took up a training contract at Linklaters in London which included six months working pro bono for the human rights charity Liberty.

Rachel then returned to the North West in 2005 and specialised in civil litigation at both Addleshaw Goddard and

Weightmans. She joined Liverpool John Moores University in 2014 where she now is Clinical Legal Education Programme Leader and also coordinates the School's pro bono activities, establishing the School of Law's Legal Advice Centre in 2014.

The Legal Advice Centre advised 137 clients in their remote clinics last year, but will start to expand during the next 2-3 years to 300 per annum. The Centre is staffed by students, and supervised by clinic staff and volunteer solicitors from Liverpool firms, and offers advice on a wide range of legal representation in family and civil matters, conducts policy research and provides public legal information services.

The Legal Advice Centre is

becoming integrated into the curriculum for law students who can gain valuable experience in family, employment, civil, alleged miscarriages of justice and wills and administration law and aspects of social justice and many students go into social justice roles after graduation. Many postgraduate students volunteer with Support Through Court, and one student from LJMU Law School has recently been selected for a training contract as a Justice First Fellow with the housing charity Shelter.

Rachel says that the Centre now has plans to develop a legal advice clinic for housing law advice, along with commercial/business law advice focused on start ups and entrepreneurs and are also developing a legal advice clinic for musicians.



**Rachel Stalker**

Rachel describes herself as a 'frustrated musician' and used to play the flute and sing and had considered studying music at university, but now prefers listening to other peoples' music by attending gigs and concerts with her partner.

Rachel has a ten year old daughter.

## Overage Restrictive Covenants & Conditional Contracts with Richard Snape

Live on 14th July, 1.30pm - 4.45pm or register for recording

**Restrictive covenants continue to cause problems on a regular basis and overage clauses are coming very much back into fashion. The course aims to look at some of the issues involved.**

### Topics include:

- Enforceability of restrictive covenants against third parties
- The implications of the Supreme Court decision in *Alexander Devine v Housing Solutions (2020)*
- Remedies for breach of restrictive covenants
- Enforceability of overage clauses
- The trigger event
- Case law on interpretation & more

**Competencies: B**

[Click here](#) for more information and to book

## Anti Money Laundering Update with Matthew Hickling

Tuesday 7th September, 9.30am - 12.30pm

**For fee earners and support staff who are involved in any way with client files, this training seminar will ensure that you are up-to-date with the latest AML requirements, guidance, practice notes and red flags. Using examples, hyperlinks and videos, the seminar will include:**

- What's happening in legal sector regulation
- Recognising risk – Red Flags and sector trends
- Identity – How easy is it to "be" "someone else"?
- External risks – How might we be targeted?
- Internal risks – What is our culture and governance?
- Understanding client matter rationale – why it's important
- Mitigating risk – Managing residual risk – Ongoing monitoring
- The importance of proper file notes – What they need to do
- File reviews – What to look for – Educating others
- When risk proxies are hard to identify – SAR's, DAML's

**Competencies: B**

**For more information [click here](#)**

# Report on Joint Forum on Access to Justice

The biannual Joint Forum on Access to Justice recently held its Spring/Summer meeting. As a reminder, the Joint Forum has a broader remit than the Access to Justice Committee. It brings people together from local and national organisations.

The Forum began with Theresa Harris, Head of Information and Digital Innovation at Law for Life speaking about the services offered by Law for Life ([www.lawforlife.org.uk](http://www.lawforlife.org.uk)), including its award winning website 'Advice Now' ([www.advicenow.org.uk](http://www.advicenow.org.uk)). Theresa explained that a significant barrier between people receiving the legal advice they need is an ability to first identify their problem as a 'legal problem'. Research has shown that just 11% of legal problems are correctly identified as such. This is known as 'legal capability' i.e. what people should know and be able to do when faced with law-related issues in everyday life. In addition to legal knowledge, people require the confidence and skills to tackle legal problems. Law for Life helps people overcome these problems through a programme of public Legal Education. It works with individuals themselves and with intermediaries, including community groups and grassroots organisations (for example: Womens' groups, renters' groups and youth and student programmes). Training is accordingly designed for use by recipients, but also by others to whom it is cascaded. For instance, last year, Law for Life performed some training with a group of 22 women but this was subsequently cascaded down to 4,000 people. All the work is underpinned through research, for example by measuring whether users' legal problems were resolved before litigation in comparison with persons from a control group. Similarly, whether users avoid negative socio-economic outcomes, e.g. loss of housing, stress/anxiety, familial conflict versus those within the comparison group.

Our second speakers were Clare Mahoney, Senior Programme Lead at the Clinical Commissioning Group for Liverpool, and Debbie Nolan, Liverpool Citizens Advice. Clare and Debbie addressed the Forum on the topic of Social Prescribing. Clare explained that a programme of social prescribing was originally set up in 2015 for all GPs and mental health services in Liverpool. Poverty and deprivation cause ill health and, vice versa, ill health causes poverty and deprivation. Social prescribing is a means of breaking this cycle. It helps overcome external barriers such as finance, transport and social networks, as well as internal barriers such as anxiety, fear and low confidence. Citizens Advice are heavily involved in the programme ('CA on Prescription'). CA works to move services closer to patients and this has led to more than 9000 interventions in the past year. Three-quarters of referrals come from GPs, and over a third involve patients with a household income of less than £600 per month (before the intervention), with the largest age group being 40-65 year olds. A lot of the work involves dealing with debt. Not all debts are equal. Failure to pay rent arrears, mortgage arrears, council tax arrears and magistrate court fines lead to disproportionately adverse outcomes and clients are guided to better manage in future. The final update was on the subject of Refugees and Asylum Work within the City. This was provided by Philip Clarke, Community Development Officer at Liverpool City Council. Philip explained that 'Our Liverpool' is the city's strategy for dealing with refugees, vulnerable migrants and asylum seekers. The organisation looks out for people's needs when seeking asylum, employability and welfare benefits, housing, education, language, health and well-being, and communities, culture and

social connections. It aims to make best use of resources, use the early-help-model, and work with partners to achieve the best results.

Organisations can join Our Liverpool's Facebook Group. It contains all the asylum/refugee advice organisations and refugees, people seeking asylum and other migrants are welcome to join themselves: <https://www.facebook.com/groups/200632831269454> People may also contact the organisation directly on [ourliverpool@liverpool.gov.uk](mailto:ourliverpool@liverpool.gov.uk) or through 'contact us' on the website <https://liverpool.gov.uk/contact-us/service-area/our-liverpool-support-for-asylum-seekers-and-refugees/>

It was apparent from the discussion that followed, that advice agencies within the region are increasingly working alongside one another and that the Joint Forum undoubtedly assists in this regard, not least through sharing information and legal updates. For example, Clare explained that health-service charges are now routinely being levied on asylum seekers. Previously, charging was discretionary, but the rules have changed and now the NHS must charge. Philip was aware of this but many other attendees were surprised to learn of this development.

The Forum then considered a written report on LLS directors' meetings with Merseyside Councillors and MPs which had been kindly prepared by Paddy Dwyer, Parliamentary Liaison Officer for Liverpool Law Society. This is always a very welcome segment of the Forum and attendees were updated on a number of bills or Acts likely to affect their clients or constituents. These included the Fire Safety Act 2021, Domestic Abuse Act 2021, and the Police, Crime, Sentencing and Courts Bill.

As ever, the Forum concluded with an opportunity for attendees to network.

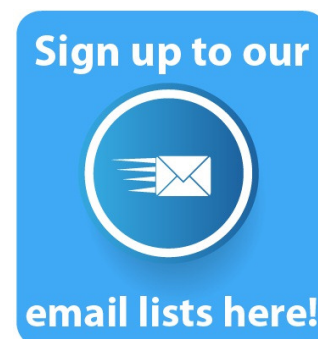
The next Form is scheduled for Friday, 8th October 2021, 10.30 – 11.30am (via Zoom). Anyone interested in attending should contact Ann Murphy at Liverpool Law Society ([ann@liverpoollawsociety.org.uk](mailto:ann@liverpoollawsociety.org.uk)). All are welcome.

**James Mannouch - Chair**

## Newsletter Sign Up

Subscribe to our email mailing lists to keep up to date with the latest news, legal training programme and other events from Liverpool Law Society.

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## Consultation Papers

The following sub-committee of Liverpool Law Society is considering responding to these consultation papers. If any member would like to send in a comment, please do so to [committees@liverpoollawsociety.org.uk](mailto:committees@liverpoollawsociety.org.uk)

Access to Justice, Employment, Family Business  
Possible changes to rule 24 of the Tribunal Procedure (Upper Tribunal) Rules 2008  
Closing date: 13 July

Criminal Practice  
Consultation on sexual offences guideline  
Closing Date: 13 August



## UK-Middle East Legal Services Week: 6-8 July 2021

The Ministry of Justice's upcoming UK-Middle East Legal Services Week taking place between Tuesday 6 July to Thursday 8 July.

The mission will be hosted by Lord (David) Wolfson of Tredegar QC and will provide you with an opportunity to network with legal professionals and counterparts from across the UK and Middle East.

Join us for an insightful virtual journey to hear the latest industry topics, trends and challenges relevant to you, ranging from dispute resolution and arbitration to infrastructure and financial services. These sessions aim to share expertise, discuss the opportunities and challenges for growth in key sectors and stimulate further conversation.

You will have the chance to:

- Connect with leading legal professionals in the UK and the Middle East
- Schedule private 1-2-1 business meetings
- Attend live sessions with keynote speakers and industry thought leaders
- Engage with speakers live via our Q&A chat function
- Join a private LinkedIn group for further networking opportunities

**Register** for free today for a confirmed place at the event.

**Legal Services are GREAT Team**

## 2021 Compliance Conference

Last month we held our annual Compliance Conference, which was very kindly chaired by our Regulatory Committee chairperson: Mickaela Fox of Weightmans.

The day began with an 'Anatomy of a Crisis: a case study' with Frank Maher of Legal Risk. Followed by Pearl Moses of The Law Society who helpfully discussed effective supervision post covid 19 & lockdown.

It was then mics & cameras off for a short comfort break before hearing from Natalie Darby of The Solicitors Regulation Authority, who provided a regulatory update.

Next up was Steve Marshall, Head of Bytes Cyber Consulting – one of our kind sponsors & I think delegates got a little more than they bargained for than his scheduled 'Detect, Govern and Secure Your Data' session!

Delegates then had the opportunity to grab a sandwich, walk the dog, check emails, or have a nap during the 45min comfort break. We do love the convenience of online events but we really miss the networking over a cuppa.

The afternoon opened with the wonderful Iain Miller of Kingsley Napley who discussed the importance of ethics and culture in modern law firms. We then welcomed for the first time, Robert Blech, who updated us on 'the new SRA Accounts Rules – 18 months on'.

The final session of the day, was provided by David Green on behalf of our other kind sponsors; PIB Insurance Brokers, who talked about risk management and PCP controls in law firms. The event drew to a close just after 3pm and I would like to thank all those who took part and those who attended. These events can only continue if supported by you.

Pencil in Wednesday 1st June for our 2022 event & if we can't see you in person, we will see you online.

Thanks again go to sponsors; Bytes Cyber Consulting and PIB Insurance Brokers.

**Jo Downey**  
Director of Education & Training,  
Liverpool Law Society.

## Liverpool Law Society director interviewed on radio and TV

Immediate Past President Chris Topping and Director of Broudie Jackson Canter commented on the civil claim settlement for Hillsborough victims when interviewed on BBC Radio 4 on 4th June 2021. Chris also appeared on Granada TV news to speak about this.

Liverpool Law Society

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2021 Annual Dinner featuring Legal Awards

LIVERPOOL LAW SOCIETY IS DELIGHTED TO ANNOUNCE THE  
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WORK IN THE COMMUNITY AWARD

OUTSTANDING LAWYER AWARD

LAW FIRM AWARD (1-99 EMPLOYEES)

LAW FIRM AWARD (100+ EMPLOYEES)

LIFETIME ACHIEVEMENT AWARD

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# How to be an Ally in the Workplace

Following on from the EDI Committee event held at the end of May, Lubna Shuja, Vice President of the Law Society and Alison Lobb Managing Partner at Morecrofts respond to questions set by the Committee

**Q: To what extent do we think that likely hybrid working patterns in private practice will help break the glass ceiling for women to progress into more senior roles (the timing of this often coinciding with caring responsibilities) and also access to persons with a disability or long term health condition in particular?**

**Alison Lobb:**

*"I do think that flexible working can help many woman accelerate their careers and break down some of the barriers, if used properly. By that I mean that those working flexible hours have to be treated equally by their colleagues and managers and not seen as an inconvenience, and that has to start at the top. There needs to be respect for people's different hours and regard needs to be had to making sure that they are not made to feel that they have to respond to communications or carry out tasks outside of their working time, and it is also essential that those working flexibly or remotely do not miss out on opportunities through not being visible in the office."*

**Lubna Shuja:**

*"Statistics show that women are more likely to have commitments such as child care or other caring responsibilities. Also those with a health condition or a disability have indicated a preference for working from home more often. Hybrid working when conducted properly will create more opportunities for those working from home and ensure they are not left out. It means that meetings or training will no longer be missed when these fall on working from home days, and they will still be able to participate in those meetings/training. Prior to hybrid working, these meetings would have been missed altogether and this could have impacted career progression. Flexible working patterns have now become much more acceptable and this will hopefully help with promotion prospects. It is important that as a matter of best practice, meetings are scheduled so as to take into account commitments that are more likely to impact on women avoiding school holidays and school pick up/drop off times. In addition to this, training on effective hybrid working is also essential, given that this will become more common as some return to working from an office while others prefer to work from home. Proper training will help facilitators of such meetings to ensure that those attending virtually and those in the room are equally included."*

**Q: Would it be feasible for firms to offer some kind of management training; to not only give them the chance to gain experience, but also to consequently give them confidence to go for management roles, but also to make senior staff aware of their desire to progress?**

**Alison Lobb**

*"I think that's an excellent idea. It might of course depend upon the size of the firm. Pre-pandemic, the Liverpool and Sefton*

*Chamber of Commerce were working on a training scheme to develop future leaders, which I was very excited about getting involved with and using to help some of our people progress, and I hope that can be reinvigorated as more social mixing is possible. Make sure you put your hand up and say you want to do it - don't wait to be chosen!"*

**Q: How do we ensure that allyship, both as a business and as an individual is more than just a temporary exercise?"**

**Lubna Shuja:**

*"At the end of 2020 the Law Society released its toolkit on Inclusion Allies. This can be found at <https://www.lawsociety.org.uk/topics/ethnic-minority-lawyers/inclusion-allies>. Being an ally means consistently acting to support people from marginalised or under-represented groups and working to build a more inclusive working environment. Encouraging staff to be allies and facilitating this role by providing resources and guidance to do it effectively is vital. To allow for the most success with an ally initiative, it is important that the allies have a presence within every team in your organisation and at varying levels of seniority, weaving inclusion into your organisation in a visible way across the entire business."*

**Q: What is the best way to turn allyship into action?**

**Lubna Shuja:**

*"The Law Society's Inclusion Allies toolkit offers great insight into this. Below are a few ways to turn allyship into action: Listening without judgement to perspectives and experiences of others, ensuring they feel heard; Actively advocating for change for marginalised groups within your workplace and society; Sharing development opportunities with others and/or creating these opportunities, for example through mentoring colleagues; Reflecting on your biases and how they influence you negatively recognise which stereotypes you hold, how affected your team is by group biases and take action to address these;*

*Questioning decisions and behaviours which exclude people or promote discrimination or stereotypes, for example a lack of diversity in your team or organisation; Call out covert and overt discrimination"*

**Q: Is there a place for performative allyship (for example showing solidarity on social media) or is it just clouding the issue and causing harm?**

**Lubna Shuja:**

*"There is a place for allyship online as this helps to raise awareness. Indeed, we have seen the power of social media in holding organisations accountable for their actions very recently."*



*In 2020 after the murder of George Floyd, people from across the world and of all ethnicities took to social media to hold organisations to account on their lack of representation of black people in senior positions. We saw companies take action by creating career pipeline opportunities targeted at black talent, as well as the increase of race networks and inclusive policies. When the right amount of pressure is placed, we see change start to happen. "*

## Q: What are your thoughts on the term BAME?

### Lubna Shuja:

*"The category 'BAME' has been used as a way of grouping people of colour from the main minority ethnic communities in the UK and contrasting their experience with the white population. However, the acronym 'BAME' is problematic. It is often used in ways that imply it is referring to a singular identity or set of experiences. Grouping the experiences of Black, Asian and Minority Ethnic people minimises the individual experiences of multiple ethnicities. It assumes that anyone who is not white are the same or have the same experiences. Nor does it appear to include white minority ethnic groups. By using the acronym it means that organisations can hide behind these four letters and this can sometimes paint a picture that organisations are racially diverse when in fact they can have an over representation of one particular race while having an under representation of another.† It is better not to use the term BAME but instead use a more accurate term to accurately reflect race or identity."*



Lubna Shuja



Alison Lobb



### Private Child Law Conference

Wednesday 8th September, 12.50pm-4.30pm

This year's must-attend training event for solicitors, barristers and other practitioners involved with private child law. The conference will round-up key developments in law and practice.

Chaired by District Judge O'Neill with sessions:

#### Domestic abuse within private law cases

Kate Burnell QC, St Johns Buildings Chambers

#### I'm leaving on a jet plane (if allowed by the court):

#### Tips on the successful pursuit & defence of relocation cases

Ruth Kirby QC, 4PB

#### Alcohol Monitoring - making effective and appropriate use of the latest technology in childcare cases

Alpha Biolabs

#### International Family Law: A Conventional Approach

Teertha Gupta QC, Unit Chambers

#### Top 10 Private Law Update: to include alternatives to court proceedings

Lisa Edmunds, Unit Chambers

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### Running Care Cases - with Safda Mahmood

Children Law Practitioners will be aware that there is a need to be aware of the New Best Practice & Public Law Working Party Recommendations. This will have a significant impact on the way in which care cases are run from this year.

There are new forms, the procedure, and new timescales, and you wish you would want to make sure that you are to date and ready, to avoid making fundamental mistakes, going forward.

The topics covered will include amongst others, the following:

- Steps to take Pre-Proceedings
- Working within the requirements of the Revised Public Law Outline
- Emergencies Orders and Care Orders
- What to do when contact is an issue
- Essential Steps to take when acting for parents, children, relatives and local authorities
- Type of assessments and timescales.
- Drafting and Effective Preparation
- Threshold Statements and their responses

& more...

Competencies: B & C

[CLICK HERE TO BOOK](#)

# The Rise of the Remote Hearing

A remote hearing is one whereby the parties, Judge, and parties representatives conduct the hearing by way of either electronic means (video-link), or by way of telephone. This ensures that parties do not have to be physically present at court. Ever since the start of the Covid-19 pandemic lockdown, in late March 2020, the courts have resorted to remote hearings instead of face to face ones; whilst some face to face hearings have taken place, this has been very much the exception. The obvious reason is for the health and safety of court users and court staff and to avoid the spread of the virus.

Prior to the lockdown, video hearings were very rare but telephone hearings for short interlocutory hearings or applications, were not uncommon. The proliferation of the use of video hearings by way of platforms such as Zoom, Microsoft Teams, Cloud Video Platform ("CVP"), and Skype, to name a few, has occurred, not through choice but necessity.

Any issues in relation to jurisdiction have been omitted from this article on the basis of an assumption that the court has given the relevant permission for the hearing to be conducted remotely.

## Survey

Members of the Liverpool Law Society sub-committees, and a wider audience on social media, were requested to provide their views in respect of the use of remote hearings once the restrictions have eased. The response has been very much appreciated. The following questions were put forward:

1. What has been your experience of remote hearings generally (please include final hearings/trials/and interlocutory hearings)?
  - a. What are the perceived benefits and also risks in conducting future hearings in this manner?
  - b. Would you like to see more hearings conducted remotely, when the Covid-19 restrictions ease?
  - c. What difficulties have you personally experienced in your own cases conducted remotely?
2. What are the major benefits of conducting a hearing in person? Given the Court of Appeal have successfully conducted complex cases with multiple parties remotely, what distinguishes a hearing in person to that of a remote one, evidentially and practically?

The overall feedback suggested that for short hearings and interlocutory matters, where there is not an abundance of paperwork, remote hearings are preferable. There are mixed views in respect of conducting trials and final hearings remotely. There have been very instances of difficulties arising from remote hearings once they have started, issues seem to arise around connection, communication, correct format of the bundle, setting up the hearings and ensuring evidence and paperwork is with all parties/representatives.

## The benefits of a remote hearing

Whilst not an exhaustive list, the following has been conveyed:

- Less travel time, no issues such as traffic or ensuring your client has arrived at court (although remote hearings have their issues which will be addressed);
- Less travel time means more preparation time, in some instances;
- Less travel, less costs incurred;
- Being able to represent clients and give evidence from a distance;

- Avoids time spent waiting around at court;
- Can remove some of that court-day anxiety for parties and representatives;
- "For catastrophically injured clients who want to attend approvals in high court matters they have been able to attend remotely and play a part in the hearings and this has made the whole experience less stressful." (Ann Allister, Technical Director at Carpenters Group)
- Greater choice for those having to instruct a Barrister or advocate on short notice or if an emergency situation arises;
- Can avoid paperwork, by use of electronic bundles;
- Bundles can be filed and served by way of email, less post and risk of a bundle not arriving on time, being filed/served in accordance with the rules;
- Advocates being able to conduct multiple hearings in a day at different locations in the country;
- The court is not required, the Judge, if required, can conduct the hearing at home, further freeing up of space in courts;
- Overall, it is both practical and efficient.

## The disadvantages of a remote hearing

- There is a view that evidence provided in person is preferred to remote evidence and it is easier for a Judge to have an indication of whether a party is being truthful or not in person, due to mannerisms, appearance, overall nature of the evidence, and the way the evidence is given;
- The pre-trial meeting with the client cannot go ahead in person and many advocates prefer this;
- Many issues arise with connectivity, poor internet connection and this can lead to the evidence being substandard or not heard properly or lead to an adjournment;
- The reliance of parties having working internet connections and being able to join the hearing, this is avoided when an in person hearing is required;
- It is harder to navigate an electronic bundle than it is a paper one (such a proposition has been opposed on the basis that electronic bundles should contain hyperlinks and bookmarks, if done correctly);
- Issues can arise where parties require interpreters, many courts require such cases to be conducted in person;
- It has been stated that a video hearing is not suitable for longer hearings such as 2-3 day trials with multiple witnesses, desk and computer/electronic fatigue can set in as well as boredom when not giving evidence, whereas you are more likely to be attentive in a courtroom setting;
- It is not appropriate for matters where there is an allegation of fraud or any complex issues to be determined (although there is case law against this proposition);
- The potential loss of pre-hearing settlement negotiations;

## Some tips to ensure your remote hearing goes smoothly;

- Ensure the bundle is one with hyperlinks and bookmarks, an E-bundle, as opposed to a PDF copy;
- Ensure you have the correct software to prepare the E-bundle;
- Ensure that your client has a copy of the paper bundle for the hearing. If they have an electronic bundle, they

will require multiple screens on the day of the hearing to view the bundle and give evidence;

- Ensure that your client has a working internet connection, a laptop or tablet they can use. Best practice dictates that you test the connection or have a dry run. They must be aware that the hearing cannot be recorded, as that is a criminal offence. Courts have not allowed hearings to proceed on a mobile phone;
- The court should have all the parties details to provide you with a link for the hearing. You should also ask the court to send the solicitor/handler with conduct of the matter, the email with the court link;
- Co-operative with your opponent, the last thing any party wants is an adjournment due to a technicality;
- Provide your representative with details of the other party's representative, they may be able to narrow the issues or negotiate in respect of settlement;
- For telephone hearings, check the parties numbers are correct and double check, many hearings have been adjourned due the numbers not connecting as the number was incorrect or new details have not reached the court in time. This can lead to adverse costs orders for the responsible party. If in doubt, ring the court and ensure they have the correct details, whilst time consuming, the cost of an adjournment is greater;

On 5th May 2021, "Four Bars statement on the administration of justice post-pandemic" was published., with the following unanimous stance:

1. We are supportive of the continuing use of technology in our courts.
2. We are supportive of remote hearings becoming the default position for short or uncontroversial procedural

business. We recognise that the appropriate use of remote hearings will be vital in tackling accrued backlogs in each of our jurisdictions.

3. However, for any hearing that is potentially dispositive of all or part of a case, the default position should be "in-person" hearings. Remote hearings should be available as an option in such cases where all parties (including the court) agree that proceeding in that way would be appropriate.

THE FACULTY OF ADVOCATES OF SCOTLAND  
THE BAR COUNCIL OF ENGLAND AND WALES  
THE BAR OF IRELAND  
THE BAR COUNCIL OF NORTHERN IRELAND

## Summary

It is evident that remote hearings are of great benefit to the court and parties and there will always be mixed views in respect of how evidence is best delivered. Provided that the parties agree that the hearing should be conducted in such a manner, the benefits outweigh the risks. It is safe to say that we have all had to adopt the way in which we work due to the pandemic by embracing technology; it is hoped that evidence can be given in the future both by remote means, and in person. It is hoped that the courts do not rule out the possibility of remote trials or final hearings where the parties are in agreement.

Thanks go to Liverpool Law Society members for this article and special thanks to the members of the Civil Litigation Subcommittee.

**Alum Ullah**  
**Civil Litigation Committee**

## Residential Property Conference

**15th September 2021, 9.30am - 3.45pm online.**

*Can't make the date/time? No problem, booking onto this event means you will receive a link to access a recording of the event at your leisure! The link will be sent within approx 72hrs of live broadcast & be available for approx. 3 months, to view as many times as you wish.*

With speakers confirmed so far;

**Stephen Ward, CLC**

**Leanne Wright, HM Land Registry**

**Lorraine Richardson, Adapt Law**

**Panel: Angela Hesketh, Eddie Goldsmith of You Convey & Stuart Young of The Property Log Book**

Sponsored by:



**[CLICK HERE TO BOOK](#)**

## Complaints to Compliments

**Friday 17th September, 1.30pm-4.30pm**

**with Vicky Ling**

Many practices report that they are receiving more complaints since the COVID pandemic. This course will give complaints partners/officers/COLPs confidence in running practical and compliant complaints procedures. It includes real life case studies and round table discussions:

Vicky Ling will cover:

- Working within the Legal Ombudsman's good practice guidelines
- Meeting the SRA's standards and regulations 2019
- Compliant wording for client care letters
- Sharing the load – who to involve in complaints handling
- How to prevent complaints by getting things right from the start
- Fostering a positive culture to prevent complaints escalating
- Learning from complaints

**Competencies: C2**



**[Click here to book](#)**



## 601 Hillsborough victims secure settlement of civil claims over police cover-up

Over 600 victims of one of the largest and most shameful cover-ups by a police force in history have finally achieved the settlement of their civil claims brought against the South Yorkshire Police and the West Midlands Police. The claims related only to damage caused by the cover-up and not the disaster itself. These claims were started in September 2015, with an agreement to settle finally being reached at the end of April this year. The settlement could not be made public until the conclusion of the recent trial of two police officers and a solicitor last week. The settlement has established a scheme by which the Defendants will pay damages to compensate each Claimant for the injuries they have suffered as well as access to a treatment fund for any further psychiatric treatment or counselling they require. Where a Claimant has died (as is sadly the case for several victims) the compensation will be paid to their estate.

Through this civil claim for misfeasance in a public office 601 victims sought justice and accountability for the deliberate, orchestrated and thoroughly dishonest police cover-up that suppressed the truth about the responsibility of the police and blamed the football supporters for the horrific events that unfolded at the Hillsborough Stadium on 15 April 1989. 96 Liverpool supporters were unlawfully killed as a result of the police failings that day, and countless others suffered physical and psychological harm. The distress and heartache caused by the loss of life, and the injuries caused to those who survived, were made significantly worse by the lies told and the cover-up that followed. As a result of the cover-up, that was maintained for nearly 30 years, the victims, both the bereaved and the survivors, and their families and loved ones, suffered additional psychiatric injury. No amount of money can compensate them for the ordeal they have suffered but this settlement acknowledges both the cover-up and its impact upon each of the victims.

The settlement of these claims marks the end of an unparalleled and extraordinary fight for justice by the victims and their families. They have had to fight hard, overcome numerous hurdles and stand up to powerful bodies in order to have the record put right and for the truth to be uncovered. This is a fight they should never have had to undertake.

As this protracted struggle comes to an end, the fact that the truth could be and was suppressed for so long, despite independent inquests and inquiries, requires the most careful of consideration and deep reflection. After the Taylor inquiry in 1989 cleared the fans of any responsibility for the disaster, South Yorkshire Police sought to rewrite history. It took until 2012 and the publication of the report of the Hillsborough Independent Panel for the lid to finally be lifted on the depth and extent of the cover-up. The findings of the Panel formed the basis for an apology to the victims and families by the then Chief Constable of South Yorkshire Police, David Crompton. On 12 September 2012 he accepted that there had been a high-level dishonest cover-up by South Yorkshire Police officers, and that the police failed the victims and families and lost control. He said: "In the immediate aftermath senior officers sought to change the record of events. Disgraceful lies were told which blamed the Liverpool fans for the disaster. Statements were altered which sought to



**Chris Topping**

minimise the police blame. These actions have caused untold pain and distress for over 23 years. I am profoundly sorry for the way the Force failed on 15th April 1989 and I am doubly sorry for the injustice that followed and I apologise to the families of the 96 and Liverpool fans".

On the same day, the then Prime Minister, David Cameron MP, told the House of Commons that: "the families have long believed that some of the authorities attempted to create a completely unjust account of events that sought to blame the fans for what happened... the families were right."

Later that year the High Court quashed the original inquest verdicts and ordered new inquests. In doing so, the Lord Chief Justice also highlighted the "campaign" which had been mounted over decades to blame the fans and deny the culpability of the police: "Notwithstanding its falsity the tendency to blame the fans was disappointingly tenacious and it lingered on for many years."

This tendency to blame the fans resurfaced during the fresh inquests in Warrington, heard between March 2014 and April 2016, in the longest case ever heard before a jury in Britain.

Despite the then Chief Constable of South Yorkshire Police making the public statement in September 2012 accepting that there had been a high-level cover-up, the families of those that died still had to fight hard, and once again had to disprove the lies at the new Hillsborough Inquests. The inquest jury rejected the lies, making clear findings that the 96 deceased had been unlawfully killed, that South Yorkshire Police had failed in multiple ways in both the planning and the handling of events on the match day, and that there was no behaviour on the part of football supporters which caused or contributed to the deaths.

Criminal prosecutions eventually followed but failed to secure accountability either for the disaster itself or the cover-up that followed. Shamefully there has here been an almost complete failure of the justice system to deliver justice. Questions need to be asked as to why. Action needs to be taken urgently to stop such a lack of accountability ever happening again.

It has even been suggested in the last few days that there was no cover-up. This has caused profound distress to many bereaved families and survivors. The cover-up was detailed by the Hillsborough Independent Panel in September 2012, its existence was accepted by the then Chief Constable of the South Yorkshire Police, acknowledged by the then Prime Minister David Cameron, and by the Lord Chief Justice of the High Court. The Inquest jury in the 2014-2016 inquests found that the behaviour of the fans did not contribute to the deaths of the 96.

We trust that this settlement will put an end to any fresh attempts to rewrite the record and wrongly claim that there was no cover-up. In so commenting, we contrast the dignity of the

bereaved families and the supporters, with the conduct of those who still seek to peddle the discredited lies of the past.

It is time now to look forward and for the hard-fought achievements of the victims to result in lasting change. It is time for public bodies to be required to tell the truth, for a duty of candour to be imposed upon them and for bereaved families to have adequate public funding to enable them to be effectively represented at an inquiry or inquest into the death of their relatives. In the aftermath of the 2014-2016 inquests the families wanted to leave a legacy – real change – which would prevent what happened to them, ever being repeated. The Public Authority (Accountability) Bill 2017 (“Hillsborough Law”) was sponsored by MPs from almost all parties – the Conservatives, Labour, Liberal Democrats, SNP, Plaid Cymru, SDLP and the Greens, and had its first reading in the House of Commons unopposed. Its progress was halted by the 2017 General Election and neither government since has seen fit to put it back on the parliamentary agenda. Given the lack of justice delivered on the current state of the law, it is urgent that this law is now enacted.

Behind every one of these claims is a personal tragedy, an individual story to be told. It is for the victims to tell their own stories. But each and every one affected by the events of 15 April 1989 deserves at the very least that, this time, never again means never again.

**Chris Topping**

**Broudie Jackson Canter, who represented 215 families**

## Working with the SRA Accounts Rules 2019 with Linda Lambert

Tuesday 21st September, 2pm - 4pm

***Can't make the date/time? No problem, booking onto this event means you will receive a link to access a recording of the event at your leisure!***

Internal controls, the COFA both the role & report, and a comprehensive Accounts Manual for procedures, are all a part of ensuring proper compliance. These are even more important since the 2019 Rules are now in place.

*Topics to be covered will include:*

- Holding of Client monies including Third Party Money Accounts
- Recording and Usage of Client Monies
- Billing and disbursements
- Interest on Client fund
- COFA role including Bank Reconciliations
- Accountant's Report



[CLICK HERE TO BOOK](#)

## Ten Good Habits when Dealing with Property Joint Ventures, Options & Overage with Ian Quayle

Wednesday 22nd September, 9.30am - 12.45pm

**This webinar is at an intermediate level and is suitable for anyone dealing with commercial property transactions. It deals with issues encountered when dealing with;**

- Joint Ventures – types of joint venture vehicles and drafting issues
- Option Agreements – tips and traps on dealing with options including drafting problems and solutions
- Overage – key clauses and an examination of how overage can be secured.

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Vauxhall Community  
Law & Information  
Centre

## Our regular column from the team at Vauxhall Community Law and Information Centre who support the local community and promote access to justice.



New Telephone Number:

**0151 360 7777**

Call for advice on Welfare benefits, Debt and Housing & any other enquiries.

Please note our new telephone number for all advice queries to Vauxhall Community Law & Information Centre. Our Advice Email remains the same [advice@vauxhalllawcentre.org.uk](mailto:advice@vauxhalllawcentre.org.uk)

### Success for the students!

Recently our partnership project with the University of Liverpool's School of Law and Social Justice came to an end.

The legal advocacy support project, which began in 2020, provided students with experience of working in areas of Social Justice and Welfare Rights.

The project gave student volunteer's training to conduct first tier Personal Independence Payment appeals whilst being supervised by our experienced welfare benefits caseworker Nancy Hatzenboer.



PERSONAL  
INDEPENDENCE  
PAYMENTS  
(PIP)

WHAT ARE THESE?

We are so pleased for all students who took part. They were able to gain vital experience surrounding areas of law which concern social justice and assisted with providing a much needed service to those who suffer long term ill health and are disabled. We want to thank all 15 students who successfully completed our project. Their training which lead them to assisting with Personal Independence Payments cases collectively contributed to gaining benefits for our clients of: £60,853.12

We appreciate your time, dedication and hard work throughout all of the challenges we have faced over the past year. Thank you.

### Focus on Volunteers

At the Law Centre our activities are underpinned by the support we receive from our volunteers we are always looking for additional volunteers and with the likely removal of COVID restrictions in July 2021 we will be stepping up our activities and campaigning. Please help if you can. We are particularly looking for people with finance or IT skills but all enquiries are welcome. Thanks. You can email us at [recruitment@vauxhalllawcentre.org.uk](mailto:recruitment@vauxhalllawcentre.org.uk)



### Joy Elson

*"I have witnessed the growth of the Law Centre during my time as a volunteer and have been inspired by the commitment shown by all staff to supporting the local community. As a law student keen to gain some practical experience and insight into the social welfare sector, I have helped on the Bereavement support service as well as undertaking general admin. This role has left me with a real understanding of how to effectively listen and engage with the local community in order to make a difference."*

5.12

on and hard work throughout the past year. Thank you.

are underpinned by the support of our volunteers. We are looking for additional volunteers in July 2021 we will be stepping up our activities and campaigning. Please help if you can. We are particularly looking for people with finance or IT skills but all enquiries are welcome. You can email us at [recruitment@vauxhalllawcentre.org.uk](mailto:recruitment@vauxhalllawcentre.org.uk)

### Olivia Cumming

*"I volunteered at Vauxhall Law Centre throughout my third year of my undergraduate law degree. I did not realise or fully appreciate the importance of a Law Centre and the work they carry out at a community level until I started my placement. Each day varied from attending tribunals and court to administrative tasks and solicitor shadowing. As a student from Northern Ireland, I found a sense of belonging at the Law Centre and a home away from home. It was a great place to be with a friendly and welcoming atmosphere, and a lot of laughs and cups of tea...! The Law Centre provided me with an alternative avenue to undertaking rigorous and competitive interviews to achieve such experience and has opened up many, if not more, opportunities as a graduate. I am now employed as a conveyancing paralegal and undoubtedly, the experience I received helped me to secure this role. As a direct consequence of my experience, I have become passionate about Access to Justice having seen the need for it first hand. It has been a challenging, humbling and rewarding experience throughout"*



### Wayne Kandara

*"I am a law graduate with a passion for charity work, social justice and education. With a background in education, debt recovery and financial services, I joined the Bereavement Service Delivery team at Vauxhall Community Law & Information Centre in order to utilise the skills I have acquired along the way to help people."*





# News from Merseyside Law Centre

**Fighting for equality through social justice to combat poverty & homelessness**



## Temporary ban on evictions lifted

We are seeing an upturn in housing enquiries and expect this to continue substantially - the temporary prohibition on bailiff-enforced evictions was lifted on 1 June 2021 and so it is now possible for landlords to serve a possession order on an enforcement officer to enable them to attend the property to require a tenant to leave.

Merseyside Law Centre continue to be busy with welfare benefit challenges, housing cases and asylum support work assisting vulnerable migrants under the Our Liverpool Project.

Our current contact details are below so please do pass these onto anyone you think may benefit from or require our services.

**E-mail:** [enquiries@merseysidelawcentre.co.uk](mailto:enquiries@merseysidelawcentre.co.uk)

**Twitter:** @MerseyLawCentre

**Facebook:** Merseyside Law Centre

**Website:** [www.merseysidelawcentre.co.uk](http://www.merseysidelawcentre.co.uk)

This issue, we would also like to share a bit about our Our Liverpool Project:

## How We Can Help

Merseyside Law Centre are providing legal advice and representation to asylum seekers for the following issues:

- Judicial Review in relation to Asylum Support and Accommodation (subject to eligibility for Legal Aid);
- Asylum Support issues:
  - o S.95, 98 and 4 applications – for accommodation and support or subsistence

- o only;
- o Asylum Support appeal submission and preparation.
- Accommodation and housing issues:
  - o Inappropriate accommodation (relocation requests);
  - o Disrepair – reporting, escalations and complaints;
  - o Unlicensed HMOs.
- General advice on entitlements to support for vulnerable migrants.
- Legal advice and assistance for destitute and homeless asylum seekers and vulnerable migrants.

If a matter is in scope of Legal Aid we are not limited to the areas our clients can come from. If the issue is not funded by Legal Aid we are only able to assist those in the Liverpool area due to the limitations of our funding. If you have any questions about this please get in touch.

## How to Access Advice

- Please visit our website at <https://www.merseysidelawcentre.co.uk/asylum-support>
- Email [david.kenny@merseysidelawcentre.co.uk](mailto:david.kenny@merseysidelawcentre.co.uk)
- Professionals please refer via the website using the online referral form at the address above

## New Builds: Is your Client fully protected from Contamination Risk?

**With modern construction practices and stringent planning processes in the UK, it is a common assumption that new or recent housing developments will have been constructed to an appropriate standard, with the correct measures in place to ensure that homes are free of future contaminated land liability. But, is this a safe assumption to make?**

Just under 110,000 new homes were completed in England last year, reduced from prior years due to COVID-19, when delivery peaked at around 220,000<sup>1</sup>.

Driven by policies focussed on the redevelopment of brownfield land, an increasing number of these homes (c.50-80%) are constructed on former industrial sites. These policies are positive in that they seek to maintain the amenity benefit and ecosystems services delivered by our green spaces, but it clearly necessitates the proper consideration of that industrial legacy and the contamination footprint left behind.

### Balancing Site Availability with Economics

Councils are under pressure to meet house building targets and will look to offer plots that are superficially attractive in terms of value, but are typically brownfield, as these are the priority sites for development within Local Plans to discourage sprawl and re-use existing industrial land for regeneration.

Developers will therefore look at these sites through the lens of economic viability. The Council will impose pre-application conditions on assessing the risk of contaminated land and seek assurance from the developer that this has been properly implemented and an effective remediation strategy proposed.

In order to be viable, a developer will look to the most cost efficient solution for remediation, which may not always be the most effective longer term. Much will depend on the nature and severity of any contaminants, but there have been many examples of a simple removal and replacement of top soils and fitting of a membrane cap. Because of the nature of many developers' legal entities, these vehicles are designed to think of cost risk in the shorter term, which means they limit their exposure liability for ineffective site remediation down the track.

Approaches by developer vary widely and they will apply economic decisions on a bespoke basis to the site and the number of units they are able to achieve with Council approval, so you cannot assume a standard level of environmental due diligence is being followed all of the time. For this reason, it is important to conduct due diligence and not assume that environmental matters are out of scope.

### Case Study: Worthless Homes through Developer and Planning Negligence

In 2014, residents of a Bradford housing estate were told that their homes were worthless due to failures in the development process. The 13-property development adjoins a former landfill site, which records suggest received industrial, commercial and household waste. Authorities identified a risk of methane and carbon dioxide migrating from the landfill into the properties. Consequently, a key condition imposed by the Local Planning Authority was the effective remediation of the site before building certificates could be issued.

Sherwood Homes, the developer, was required to fit a membrane to prevent gas ingress. Evidence of correct installation was lacking, and final building compliance certificates weren't issued. Residents later seeking to re-mortgage were met with a zero-valuation due to the absence of a final lawful building certificate.

Breaches in planning conditions would often be dealt with by an enforcement notice under Section 172 of the Town and Country Planning Act. Whilst steps might first be taken to hold the developer accountable, should the authorities be unable to reach that party the notice could fall at the feet of the property owner. In this case, Sherwood Homes has gone into administration and has reportedly not responded to approaches by residents or authorities.

### Can the Owner of a New Build Property Be Liable to Pay for its Remediation?

It is often assumed that under contaminated land legislation the developer of a property will be the sole target of enforcement action. Unfortunately for the prospective purchaser, this isn't the case. A new homeowner cannot assume that the property developer is more likely to be served a notice to remediate contamination than they are. There is potential for both parties to be considered members of the top liability group, known as 'Class A' parties, being those deemed to have 'Caused' or 'Knowingly Permitted' contamination to exist.

The construction of a house on top of contamination can establish a link between the contamination and future residents which previously didn't

exist. The developer may be considered a Class A person because they 'caused' that link to exist. However, the new homeowner is not immune. Should they alter the property or the grounds in some way, exposing contamination, they could similarly be considered a 'Causer' and assume the same top liability.

It is also not uncommon for developers to disclose contamination information during the conveyance. This can be deemed an awareness on the part of the homeowner of the existence of contamination, and should they fail to remediate it they can be considered a 'Knowing Permitter' and subject again to the top liability bracket.

Potentially of greatest risk to the new homeowner is the not uncommon practice for developers to establish special purpose vehicles (SPVs) which act as the legal entity responsible for the construction, to limit their liability and protect any holding company. The SPV can be liquidated or dissolved once the development is complete, or if significant problems are encountered during the development. Hence, this is a real issue for new homeowners concerned about their Part 2A exposure.

In addition to voluntary winding down, insolvency results in the same outcome for the new buyer. Of all industrial groups, the construction industry tends to have the highest level of collapses, with over 2,000 firms entering formal insolvency procedures in the final quarter of 2020. Where this occurs, as in the case of Bradford, should the regulators enforce their powers under Part 2A, with the developer absent they may look at the second tier of liability, 'Class B Persons'. A Class B Person is defined as someone who can be held responsible simply by virtue of them being the owner/occupier of the land.

Whilst the regulators can only require "reasonable"<sup>2</sup> remediation, the regime does not impose a financial cap on liability. In a case involving the remediation of coal tar beneath the gardens of 11 new homes in Doncaster in the early 2000's, the cost came to £66,000 per residence.<sup>3</sup>

### How Can a Conveyancer Protect Their Client?

The first step is to obtain an environmental search which employs a robust methodology with respect to contamination and newly developed properties, which does not rely on an assumption of a developer safety-net. The search should identify if any significant risks are present and highlight these as a 'further action' on the front page of the search.

Where 'Further Action' is advised in the case of a recently-developed property, a conveyancer may wish to first determine whether a National House Building Council (NHBC) Certificate (or similar) is available and ensure it covers contaminated land. Otherwise, planning documents demonstrating that contamination has been addressed during development may assist, so long as these evidence the complete discharge of all relevant conditions. Having this usually means the search provider can provide a report revision free of charge, and the conveyancer can be more confident that their duty of care has been fulfilled on this matter.

### Solutions and Peace of Mind

FCI offers a free information review service and bespoke advice but has also developed off-the-shelf solutions for exactly these instances, sourcing information, liaising with regulators and reporting back in the form of an affordable **FCI Appraisal\*** report, or even an **FCI Walkover\*2** if a physical inspection is requested. FCI's risk assessment systems also ingest all mitigating information to ensure that subsequent searches ordered on similarly affected properties don't require the same information to be sourced or reviewed time and again.

The Law Society's Practice Note on Contaminated Land advises solicitors to consider the appropriateness of an environmental insurance policy to cover the costs of remediation of both undetected and disclosed contamination and related liabilities<sup>4</sup>. FCI searches include a free remediation warranty with all passed residential environmental reports, for 6 years, up to £100,000, providing peace of mind for conveyancers and their clients.

### Notes

1 <https://www.gov.uk/government/news/number-of-new-homes-built-soars-to-an-11-year-high#:~:text=Over%20170%20new%20homes%20were%20built%20for%20the%20year%20ending%20June%202019.&text=New%20data%20has%20found%20the,in%20the%20last%2011%20years.>  
2 Section 78E(4), EPA 1990 - taking into account the financial cost of the works and the seriousness of the harm or of the water pollution.

3 R (on the application of National Grid Gas plc (formerly Transco plc)) v. Environment Agency: [2007] UKHL 30.

4 Solicitors must ensure they comply with the Solicitors Regulation Authority's requirements on advising on insurance. See: <https://www.sra.org.uk/solicitors/guidance/law-firms-carrying-insurance-distribution-activities/>

\*Prices starting from £200 + VAT for residential properties

\*2 Prices starting from £995+VAT for residential properties

# The future of environmental searches

- One complete search
- Saves time & money
- Simple product choice
- Clear & concise
- Fewer 'Further Actions'
- Next steps guidance
- Innovative solutions
- Expert customer service

## Premium Residential <0.25Ha

Environmental | Flood | Ground Stability | Energy & Infrastructure

### Report Details

**Address:**  
Sample, Sample

**Grid Reference:**  
E: 123456 | N: 123456

**Report Reference:**  
Sample

**Requested by:**  
Sample

**Date:**  
27/04/2018

**Report ID:**  
1000085407

### Subject Site

Air Quality Index: Some Polluted Areas (See 1.25)

### Professional Opinion

1. ENVIRONMENTAL	PASS
No further recommendations	
2. FLOOD	PASS
No further recommendations	
3. GROUND STABILITY	PASS
No further recommendations	
4. ENERGY & INFRASTRUCTURE	PASS
<p>Consideration(s):</p> <p>4.10 Power Stations</p>	

This page should always be read in conjunction with the full report. The Professional Opinion indicates the potential risks and any other potential issues associated with the property. The results should be disclosed to client and/or lender and/or insurer as appropriate.

• A 'Pass' is given if no potential property specific risk has been identified.

• A 'Pass with Considerations' is given where there are potential hazards in the locality to bear in mind, or if there are features nearby which some clients might consider could affect them.

• A 'Further Action' is given if there is a potential property specific risk and a further action is advised.

In the event of a request to review the Professional Opinion based on additional information, or if there are any technical queries, the professional advisor who ordered the report should contact us at [info@futureclimateinfo.com](mailto:info@futureclimateinfo.com), or call us on 01732 755 180.

Assessed by:

*FCI Risk Tools*

[www.futureclimateinfo.com/team](http://www.futureclimateinfo.com/team)

Regulated by RICS

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# Bell v Tavistock

## Introduction:

Last year many people who identify as transgender expressed their disappointment in JK Rowling for the way her literature made them feel accepted, yet the author herself does not support them as expressed in her essay. In *Bell v Tavistock*, the Court considered issues that goes to the heart of their acceptance but made a decision of equal disappointment.

There were 2 questions for the Court:

1. Can a child or young person under the age of 16 achieve *Gillick* competence in respect of the decision to take puberty blockers for gender dysphoria?
2. (in the alternative) is the information provided by the Defendant inadequate to form the basis of informed consent?/can informed consent in the legal sense be given by such children and young persons?

The decision can be found at paragraph 151 of the judgment:

- o it is highly unlikely that a child aged 13 or under would be competent to give consent to the administration of puberty blockers
- o It is doubtful that child aged 14 or 15 could understand and weigh the long-term risks and consequences of the administration of puberty blockers
- o Young persons aged 16 and over, the legal position is that there is a presumption that they have the ability to consent to medical treatment
  - Clinicians may well regard these cases where the authorisation of the court should be sought prior to commencing the clinical treatment
  - Found a decision from the court of protection is not necessary in order to grant puberty blocker treatment

## A step too far

The Court took the view that consenting to PBs in reality meant consenting to taking cross-sex hormones given the fact that almost every child went on to take CSH after consenting to PBs. Despite stating that the question for this Court concerns the consent to puberty blockers, the court decide to see PBs and CSH as the same, and essentially considered the clinical decision to take CSH.

In my view, the court was wrong to merge the two processes especially when it heard evidence that PBs do not put someone on a one-way trip to the full process of transitioning. It is possible for someone to come off the PBs at any point and not proceed to taking CSH. It induces sex hormone-neutral environment. This essentially buys the child/young person time to consider what they want without the mental anguish of undergoing puberty in a body they don't feel they should be in.



**Lorna Mashongamhende**

The Court ought to have distanced its mind from the decision to take CSH. The fact that now a child must provide informed consent for a treatment they may never have goes against the spirit of the law of consent.

## Further confusion for medical practitioners

This is a judicial review case with tortious consequences and it demonstrates a distrust in doctors *Gillick* assessments.

Therefore, where you have the case of someone such as the first Claimant Kristen Bell who is known as a “detransitioner” and was previously given PBs – are they potentially entitled to compensation by arguing they lacked the *Gillick* competency for PBs? Alternatively, are we going to see a rise of clinical negligence claims of those who were not found to be *Gillick* competent because of this judgment, then obtain evidence to prove that on the balance of probabilities they were *Gillick* competent and as such should not have been denied PBs?

The court placed heavy reliance on the unknown consequences and labelled PBs as “innovative” and “experimental”. The thought process behind this seems to be the consequences are unknown therefore informed consent cannot be achieved.

Recently, covid vaccines have been developed and met by many

with great scepticism and can equally be described as “innovative” and “experimental”. Yet, we clearly see a large roll out of the vaccines meaning that in this context informing a patient that the consequences are not fully known, amounts to informed consent.

Arguably Gillick competency is and should be achievable in the realms of such experimental medicine. It would be interesting to see on appeal (now fixed to be heard by the Court of Appeal on 23rd June 2021) how this is dealt with when we will be living in a country where hundreds of thousands (if not millions) have consented to the vaccines.

### Maybe it will just naturally go away?

The Claimant submitted with some force that for a significant proportion of young people presenting with GD, the condition resolves itself (paragraph 75). The court admitted it is not its role to adjudicate on the reasons for the persistence of gender dysphoria. However, it stated “in short, the treatment may be supporting the persistence of GD in circumstances in which it is at least possible that without treatment, the GD would resolve itself” (paragraph 77)

This view of what gender dysphoria means for one’s feelings of their appearance has been described like it is some sort of immature infatuation to resemble a Kardashian or the winner of love island (this is the type of feeling that could arguably resolve itself).

The Court heard evidence about the gravity of going through gender dysphoria. J a 20 year old transgender man described how the onset of female puberty was horrifying and unbearable. N said that the treatment of hormone blockers “*may very well have saved my life*”. She explained that PBs meant she “*didn’t have to fear pubertal development anymore*”.

The mental health consequences of gender dysphoria are apparent. Blocking access to the treatment of puberty blockers will only further increase the mental harm trans children/young people go through.

One has to ask: is the Court hoping that the entire being of trans children will resolve itself? The reality is that trans children and young people are not going anywhere. The mental distress they could now experience as a result of this decision is far from the spirit of Gillick competence aimed at promoting the best interest of the child.

### Conclusion

In my view, this decision is clearly inconsistent with the law of consent and the consequence of such a flawed decision serves to legitimize transphobic ideology.

**Lorna Mashongamhende**  
Liverpool Civil Law

## TRAINING SEAT EXCHANGE

Liverpool Law Society is delighted to offer the Trainee Seat Exchange free to members as a way of assisting member firms interchange trainees. The aim is to provide more training contracts on Merseyside and beyond by facilitating an exchange between firms who may otherwise find it difficult to offer their trainees the requisite breadth of work.

The Training Seat Exchange, which is open only to member firms of Liverpool Law Society, operates essentially as a noticeboard whereby the firms detail what seat they can offer and also what seat they are seeking. All those listed below are interested in seeking and/or offering a seat. It is up to each firm to ensure that the terms of the training code and contract are met during any exchange agreed. Liverpool Law Society does not take responsibility for any part of the exchange, or observance of the training code or contract by the firm. The exchange must be discussed and agreed between each member firm on an individual basis.

The Exchange is open only to Liverpool Law Society member firms and will be time-limited to 12 months at which point you will be able to renew for the following 12 months at no cost. If you would like to appear on the list, please complete our online form [here](#).

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## Weightmans host inaugural Four Regions Resolution Conference

On 17 June 2021, Weightmans hosted the inaugural Four Regions Resolution Conference in conjunction with Resolution Merseyside, Cheshire & North Wales, Greater Manchester and Lancashire & Cumbria. Resolution is a national family law organisation whose members commit to a Code of Practice promoting a constructive approach to family issues that considers the needs of the whole family.

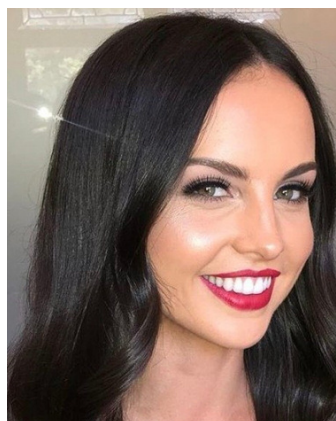
The Zoom webinar attracted a high turnout from practitioners across the North West, and featured talks from four leading family finance judges across the four regions. It was a welcomed opportunity to hear first-hand from the judiciary about the challenges faced over the past year and the changes implemented by HMCTS to streamline processes. The webinar was primarily focussed on finance cases on divorce, the ever evolving HMCTS digital portal and helpfully discussed how the court, lawyers and clients are faring in the world of remote family hearings.

From a survey commissioned ahead of the webinar, results indicated that there is a clear preference amongst practitioners for remote hearings to continue after the restrictions end, especially for procedural appointments, with the exception of FDRs and final hearings. Practitioners indicated that they anticipated a higher uptake in private FDRs in the next 12 months.

A helpful summary of the points raised by each judge is as follows:

### DJ Japheth – Lead financial remedy judge for North Wales

- DJ Japheth discussed how there needs to be a flexible approach to the format of remote hearings as it has been evident in the past year that litigants in person are more stressed and anxious. Therefore, anything that can be done to help reduce anxiety and frustrations should be done.
- The digital system is being rolled out across the North West, meaning that there will be a standardisation of the way finance cases are dealt with. The online system for financial consent orders is working well.
- In terms of contested financial remedy applications, the digital system for Wales launched in May and for Manchester and Liverpool it has gone live only in the past couple of weeks. It is anticipated Lancashire and Cumbria will follow in the not so distant future. This process allows a case to stay on the digital system from issue through to final hearing. There are still issues to be resolved within the system as currently litigants in person would not have access, it is not clear how FDR documents will be removed from the system nor is there capacity in the system at present to deal with intervenors. It is anticipated these problems will be alleviated as it becomes more widely used and as the first set of cases progress.
- Whilst the teething problems with the digital system are ironed out, DJ Japheth encouraged practitioners to continue uploading the allocation questionnaire as the system does not yet have this built in. All practitioners in the North West are



Evie Niblock



Becki Smith

encouraged to use this system as and when they can.

- Until there are changes made to the D81 form it would assist judges if a separate document could be uploaded to the portal explaining the rationale behind the settlement and the agreement reached.

- For those issuing financial remedy proceedings in North Wales proceedings are to be issued at Wrexham FRC rather than Newport FRC. The digital system can be used.

DJ Japheth focusses on mentoring young people and in particular legal executives entering the judiciary. DJ Japheth welcomes any suggestions from practitioners for anything that could be implemented to improve diversity.

### HHJ Alan Booth- Circuit Judge for the Northern Circuit sitting in Preston Family Court

HHJ Booth enthusiastically spoke about his career in the judiciary and encouraged others to give applying some thought.

- HHJ Booth dealt with non-court resolution options, and proposed that private FDRs should be strongly encouraged with practitioners needing to look at FDRs as part of a suite of options available to try and settle a case. When considering if a private FDR is appropriate for a case, the value of the case and type/complexity of the issues involved will have a bearing on whether it is an option available but when it is it should be a serious consideration.

- He described the benefits of a private FDR being that you can choose the judge, it can significantly speed matters along, there is the ability to choose what type of FDR you want and the fact that they tend to have high success rates which avoids the need for lengthy and costly final hearings.

- HHJ Booth issued a warning that FDRs in their current format, provided by the court currently free of charge may not be around forever. As a result, there may soon be a marketplace



for private FDRs which drives the price down and makes them more affordable.

HHJ Booth warned practitioners with regards to litigation conduct and costs and that, with the amendments to the family procedure rules, the court will take a broad view of conduct when it comes to assessing costs. A refusal to negotiate openly and putting forward time limited offers are unlikely going to help clients when it comes to the issue of costs and parties are encouraged to put forward their open position at an early stage so that it makes continuing to litigate for the other side a real risk. HHJ Booth said that whilst interim costs orders tend to be more difficult to obtain expect the court to intervene more when there has been a serious failure by the other side i.e. failure to file form E on time, failures on disclosure etc.

## HHJ Andrew Greensmith – Lead financial remedy judge for Liverpool

HHJ Greensmith provided a background of his career in the judiciary and offered tips to anyone applying for appointment. He recommended considering all forms of judicial roles across all jurisdictions. He also recommended the Outreach programme which proactively supports applicants from diverse/minority backgrounds.

HHJ Greensmith discussed the increased use of remote hearings.

- In his view, any hearing can be conducted remotely and any platform could potentially be used. He said that it is a question of making it work, ensuring that the remote platform is set up correctly and that all parties are capable of joining the hearing. In his personal experience, remote hearings have been successful, he has not attended court since April 2020 and he has conducted hundreds of hearings.

- HHJ Greensmith highlighted some of the advantages and disadvantages of remote hearings. One of the biggest advantages being the flexibility of listing hearings and having a specified start and finish time. This is not only welcomed by the judiciary but also advocates and clients themselves. Remote hearings also work well where there are a number of intermediaries which could result in logistical difficulties at an in person hearing. Some of the disadvantages that have been raised include that clients can sometimes feel detached from proceedings and, of course, there can sometimes be technical issues.

## HHJ Mark Haigh – Lead financial remedy judge for Manchester

HHJ Haigh addressed junior members in particular and considered the requirement for family practitioners to find a balance between reaching a fair settlement for the client as quickly as possible and to continue to be profitable for their firm by meeting hourly rate billing targets.

HHJ Haigh suggested a potential resolution to that problem, by charging a client in a phase by phase approach. Financial remedy cases have four stages; (1) pre-issue; (2) Form A to first appointment; (3) first appointment to FDR; (4) FDR to final hearing. The hope is that the client will engage as they will not want to proceed to the next stage and incur additional cost and the practitioner will seek to settle as early as possible within each stage in order to be as profitable as possible.

HHJ Haigh encouraged all practitioners to endeavour to reach settlement before litigating by using ADR such as collaborative law, arbitration, mediation etc. He considered a number of barriers to reaching settlement and provided advice to practitioners to overcome such barriers. Some examples were: -

1. The emotional state of the client. Those who have recovered from a relationship breakdown are in a better place to conclude financial settlement.

To overcome this, practitioners need to be sensitive and try to reassure clients that there is a life beyond divorce and the court system/solicitors will support them to find a fair financial settlement.

2. Distorted sense of entitlement, either because they consider that they have made a greater financial contribution, or because they are the injured party who believe that they should be compensated.

To overcome this, lawyers should be understanding and empathetic whilst being confident enough to provide firm advice in writing.

Lawyers should also be open and honest about costs and ensure that the client is aware that costs can escalate and potentially become a barrier to settlement.

3. HHJ Haigh also described the common characteristics of cases that litigate: -
  - Issues relating to non-disclosure
  - Financial control potentially leading to domestic abuse
  - Disputes in relation to pre and post nuptial agreements
  - Disagreements as to who owns a particular asset

Delays in issuing proceedings in cases with the above characteristics can sometimes result in an escalation of costs which can become an additional barrier to settlement.

## Summary

The event provided an invaluable insight into the work and approach of the judiciary across the north west region. The take away message is that practitioners can and should work with the judiciary to ensure the best experience for clients. This includes embracing the use of technology, including virtual hearings and the online portal, and also taking advantage of ADR methods.

Another consistent message is that those who are considering applying to the judiciary are actively encouraged to do so and the judiciary is working to improve diversity.

The Four Regions of Resolution in the North West are planning more events, to take advantage of technology which enables large numbers of delegates and presenters from across the region to come together to explore common issues. If you have any suggestions for further events/topics, please contact Fiona.Turner@weightmans.com.

## Evie Niblock & Becki Smith Weightmans

# Faye Fishlock joins Carpenters Group as Head of Defendant Services

Faye Fishlock has joined Carpenters Group as Head of Defendant Services. Faye has spent the majority of her career in the Defendant legal industry, joining from DAC Beachcroft where she was Head of Motor Claims Handling and Motor Injury.

Faye joined DAC Beachcroft as a paralegal, opting to take the CILEX route to qualification, which she describes as the 'scenic route', followed by the LPC and qualifying as a solicitor in 2008 and becoming a partner in 2015. As Head of Motor Injury and Motor Claims Handling, Faye was responsible for a team across numerous locations, from Newport as well as offices in Scotland and Northern Ireland. During the course of her career, Faye has developed a market leading reputation specialising in the defence of chronic pain, vulnerable road user and fatal claims.

Faye says that she was attracted to Carpenters Group for a number of reasons, she says, "They have the drive and ambition to grow and expand the Defendant team along with real strength in utilising technology and innovation to provide clients with a number of flexible delivery platforms and also has a very strong culture and reputation in the legal market."

As Head of Defendant Services, Faye will be responsible for growing Defendant Services and leading the strategy in this area. The Defendant teams include motor, casualty, credit hire, fraud, property and large loss with more to follow. Faye says, "We have a strong business plan in place to grow and expand the team and our services over the next three years. Carpenters Group are already members of the IFB and the ABI and will be joining MGAA in the not too distant future."

Faye also wants to be able to support apprentices, paralegals and trainee solicitors in the firm and because of her own route to qualification recognises the importance of nurturing junior talent by giving them a good grounding and development opportunities.

Faye is an experienced public speaker and has been a panelist and speaker at various industry events on key issues, most recently the Whiplash Reforms. She is also an alumni of the ABI Future Leader programme.

Faye will be mainly home based and will be splitting her time between her homes in Chepstow, South Hams and the Carpenters Group office in Merseyside. In her spare time, Faye enjoys spending time with her family, running, horse-riding, watching rugby and the antics of her wire-haired dachshund, Ginny.



Faye Fishlock

## Legal Risk LLP boosts team with senior hire from Solicitors Regulation Authority

Niche law firm Legal Risk LLP, which specialises in advising leading UK and US law firms on professional regulation and professional indemnity insurance law, has recruited solicitor Nicola Watkiss as a Legal Director to strengthen its offering.

Nicola comes from the Solicitors Regulation Authority where she was a Regulatory Manager for major international firms, and most recently acted in place of the head of the Regulatory Management team on a temporary basis. She was previously a litigation partner in private practice.

Legal Risk senior partner Frank Maher commented: "We are delighted to welcome Nicola to the team. As well as strengthening our practice overall, she will enable us to provide the



Nicola Watkiss

regulator's perspective on the issues faced daily by our law firm clients, both major international firms and smaller practices."



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## Expansion of commercial real estate and residential property development team in Liverpool

Excello Law has expanded its real estate and property development team in Liverpool with the arrival of lawyers Lisa Evans and Sue McGorian.

Qualifying in 2009, Lisa spent a decade at Kirwans, where she was a partner and the head of the property team. Lisa acts for a wide range of individual and SME clients across the country on a range of property transactions.

On joining the firm, Lisa said: "I could not wait to join Excello, with its modern hybrid set up which allows me to focus on my clients and my practice. There is also a great wealth of support from other like-minded senior professionals across the firm."

Sue joined Excello from Weightmans having started with the firm in 2013 following its merger with Semple Fraser where she was a legal director. Prior to that Sue was a partner with Hill Dickinson. Qualifying in 1986, Sue has extensive experience in the retail and development sectors.

Sue commented: "Excello Law has given me the ability to provide a more personalised and flexible service to developers and property owners alike. I am delighted to have joined a firm with such a progressive and modern approach to the delivery of legal services particularly during these times of change."

Julie Mogan, regional director, commented: "It's a testament to the reputation that Excello has gained in the north west that we have, even during these difficult times, managed to attract yet more quality candidates to strengthen our fantastic team. This is not only as a result of our commitment to provide a collaborative, flexible and fully supported approach to legal work but also as a result of word of mouth recommendations from our existing lawyers who have found the Excello model a breath of fresh air compared to the traditional law firms they have worked in previously."



**Lisa Evans**



**Sue McGorian**

### Missing Will

**Does any solicitor know the whereabouts of the will of Clive Brereton, born 27th September 1946 who is in the last stages of life in a home in Southport.**

**His previous address was  
70 Park Road, Formby L37 6AG**

**Anyone with information should contact  
Nigel Brereton  
nigeltb@primus.ca**

# Ex-military soldier joins Liverpool law firm as performance coach

A former Warrant Officer Tony Charnley, who has served on operations around the world, has joined Liverpool-based law firm CEL Solicitors to help develop strong leaders and strengthen communication skills across the firm.

Tony Charnley has been appointed as Staff Performance and Group Operations Manager at CEL, following a full career in the British Army that spanned more than 22 years.

As part of his role, Tony will work closely with the business' board of directors to develop managers' leadership skills, coach staff on effective communications, implement empowerment, and lead a new mental health and wellbeing training programme.

Prior to joining CEL, which specialises in civil litigation, Tony was a combat infantry soldier in the Field Army, finally finishing his career as the Training Warrant Officer at 4 LANCS, the North West's Army Reserve Infantry battalion.

His time in the army saw him being deployed on major operations, such as those in Iraq and Afghanistan, and tours in Northern Ireland and Kosovo, as well as exercises across Canada, Kenya, Kuwait, Cyprus, South Africa, Estonia and many more.

Now, he plans to implement his military training, skills and experience with CEL's team to create a robust leadership programme and boost mental health awareness among staff.

Tony, 40, said: "Throughout my military career, I'd always been passionate about training managers to be exceptional leaders – anyone can be given a promotion to hold the title but being able to inspire and lead a team to success is a skill in itself.

"I was drawn to CEL's ethos of putting people before profits, which includes both the staff and the clients, so I'm looking



**Tony Charnley**

forward to helping to take the team forward and, hopefully, put my military background and skills to use."

Located at 20 Chapel Street in Liverpool, CEL Solicitors works with clients across the country, focusing on claims relating to housing disrepair; Japanese knotweed; data breach; financial mis-selling; fraud prevention; and business interruption.

Earlier this year, the firm announced its upcoming expansion to take space on the sixth floor of the building, paving the way to hire a further 120 new team members over the next two years.

Jessica Hampson, owner and director at CEL Solicitors, said: "Bringing Tony on to our team offers a fresh perspective – he has a completely different set of skills to the team but they are skills that can be adapted and that will be invaluable in developing leaders at CEL.

"We've always placed our staff's mental health at the core of everything we do, so we've also tasked Tony with driving this strategy forward to help ensure that we are walking the walk, not just talking the talk."

"We can't wait to see Tony getting stuck in and being integrated to the team, and we're confident that he'll play a crucial role in shaping the future of CEL."





## Paul Crowley & Co Solicitors appoints 'Homegrown' Director

A welcome addition to the board at Paul Crowley & Co as Jenna Gall is made director at the Liverpool based law firm.

Jenna, started her law career in August 2013 with a training contract at Paul Crowley & Co. After qualifying and gaining a great deal of knowledge from Mike Carter, she was subsequently promoted to her current position as head of conveyancing and has now been appointed as director.

Jenna has truly grown her career within the firm, hitting every major milestone from trainee to director in what we like to think of as "Homegrown" as the best way of describing her career with us to date. Jenna is delighted with the opportunities she has been given within the firm as we are with her.

Jenna, who grew up in Anfield attended her local comprehensive school. Most of her family still live in the area and she has an avid commitment to this location and the surrounding community, far more so for one football team than another. She has several links to community groups, charities and schools in the neighbourhood and would like to see the local community thrive and for Paul Crowley & Co to play an important role in this.

It was while studying for A-level law that Jenna became passionate about conveyancing. However, her first dip into the practicing of law was in Personal Injury. Although this was a great experience for Jenna her excitement was always conveyancing. Her

enthusiasm for conveyancing comes down to several factors, her love of history and the fact that the judicial system of England and Wales is steadfastly connected to conveyancing (1823) and in turn the law society came into being. Her passion for conveyancing is not confined to the office, she is a keen follower of every TV program imaginable relating to the purchase of properties and did in fact put herself forward to partake in the program Location, Location, Location, sadly for Jenna and her family the TV program producers contacted her the day she moved into her new home, but they did take this a good omen that the location was perfect.



**Jenna Gall**

### Service Nightmares & How to Avoid Procedural Death - Update on Service Rules & Court /Trial Fee Traps

with Jeffrey Zindani

Thursday 23rd September, 1.30pm - 4.30pm

**Missed time limits by civil litigation solicitors are one of the largest sources of professional negligence claims reported to insurers. This timely seminar will guide you through key procedural rules to avoid what the courts have described as "procedural death".**

Covering:

- Back to the Future: Why is this Still Happening?
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- Service Rules and Common Errors



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### Conversion To Family Law & Practice Certificate

with Safda Mahmood

Friday 24th September, 10am - 4pm

Level: Introduction/Intermediate

**The course will be of benefit to those delegates who seek to put the theory of family law into practice. It will be of assistance to those who are new to this area of law and those who want a refresher.**

The areas to be covered are:

- Essential Skills and Managing Client Expectations
- Marital Breakdown – Divorce, Dissolution and (Judicial) Separation
- Funding Family Law Cases, and Drafting Essential Documents
- Financial Orders and other forms of Financial Remedy
- Assisting Unmarried Parties and Remedies available
- Orders for Personal Protection (Non – Molestation and Occupation Orders)
- Children Proceedings – Disputes between individuals
- Local Authority Applications, Care Orders and Processes

Competencies: B&C

[Click here to book](#)



## Quill named one of the UK's 2021 Best Mid-Sized Technology Companies to Work For in the North West

Leading legal software and outsourced legal services provider, Quill, received three sought-after accolades from Best Companies, the organisation behind 'The Best Companies to Work For' lists, after already being awarded a 2-star Best Companies to work for status for its 'outstanding' approach to workplace engagement.

This is Quill's inaugural time being named in these prestigious lists, coming in at 52nd place in 'The UK's 100 Best Mid-Sized Companies to Work for', 56th place in the 'The North West's 100 Best Companies to Work for' and 21st place in 'Technology's 50 Best Companies to Work for' in 2021.

Companies across Britain and Northern Ireland entered the survey process to determine the Best Companies to Work for in the UK. The survey, completed anonymously by employees, consisted of sections that examined leadership and planning; employee well-being and personal growth; corporate culture and giving back; employee relationships to leadership, supervisors and team members; and pay and benefits.

"Quill's multiple category wins is a testament to our mission-driven approach to business – over 40 years built on four foundational values: commitment to excellence, open and honest approach, respectful and supportive to each other and dedication to efficiency," said Managing Director Julian Bryan.

"We could not be more proud of how our employees have

stepped up to support each other, our clients and our partners. It's what makes our company a great place to be – and a great place for our clients to be," concluded Bryan.

"We have a diverse team here at Quill and we are committed to employing the best and brightest people for the right roles," added HR Manager, Corrine Blake. "I'm incredibly thrilled with this recognition because it is based on the actions we took and commitments we made many years ago and, more importantly, reflects what our employees are saying and experiencing as members of the Quill family today."

"One of the only things that has kept me going through this pandemic are the inspirational stories from organisations like Quill pulling together and uniting in a year like no other by supporting one another, the local area and wider community," added Jonathan Austin, Founder and CEO of Best Companies.

"Congratulations to everyone at Quill on their incredible achievements especially in these most challenging of times. Organisations like Quill have continued to focus on their employees and have been rewarded with an engaged workforce who tell us that this is a best company to work for."

To find out more about current Quill recruitment opportunities, visit [www.quill.co.uk/about/careers](http://www.quill.co.uk/about/careers).

## InfoTrack announces game-changing enhancements to Property Report, with automated reporting for SDLT, Environmental Search and Land Registry data

InfoTrack has released content updates to Property Report, the only search data-driven report on title solution in the market. Solicitors can rely on Property Report to provide content tailored to their Title Registers, Conveyancing Searches and Land Tax, in line with HMRC guidance.

Solicitors select applicable tenure types including Freehold, Leasehold, New Build, Shared Ownership, and Underlease, and the report automatically inserts or removes components based on relevancy. The ability to extract data directly from complementary Title Registers means solicitors will no longer be required to copy and paste covenants, easements or Rentcharges. Pre-populating data from integrated Environmental Searches, Property Report also assesses the results' risk ratings and any further hazards found in the vicinity of the property.

Reporting on SDLT is a complex process – Property Report uses automation to relieve the burden from law firms. Extracting information from the SDLT draft, Property Report presents client-friendly, pre-written content covering the tax due, relief claims, and transaction details such as Linked Transactions and Shared Ownership options. For Welsh properties, the system includes new content for Land Transaction Tax, with Welsh postcodes recognised automatically.

Adrian Noble, Managing Director at Key Legal, comments, "It is clear that the system has been designed with the conveyancer in mind and is a significant time-saving tool. I have been completely sold on the benefits of Property Report. The report can be entirely amended as required and is updated in real time so that you can actually see how your amendments will appear within the report."

Scott Bozinis, Chief Executive Officer at InfoTrack, says, "Using Property Report provides transparent communication channels with your client, including disclaimers to mitigate risk for your firm and keep the buyer fully informed. InfoTrack's automation allows conveyancers to apply their expertise and review SDLT information before purchaser approval. Reporting on SDLT and Environmental Search data is no longer a time-consuming and complex task."

# Lockdown Silver Linings

**This month we asked our readers "Is there a habit, hobby, interest or skill you have developed or embraced during lockdown that you will continue to do when life returns to normal?"**

**Rebecca Czerniak**  
Paralegal  
CEL Solicitors

In May 2020, my contracting job ended abruptly due to Covid-19. I was left without a job while studying for my LPC and trying to buy a house. I recognised that this was now the time to turn my hobby of crocheting into a business. I started Blue Blankets & Co in March 2019, making gifts for family and then gaining further recognition and orders from across the UK and Switzerland. It was always something that I would do in my spare time, but it became successful a lot faster than I could have ever imagined. I went out and bought a sewing machine to jump on the 'Scrunchie come-back' and began broadening my remit. Blue Blankets & Co is now very popular in my local town and further afield. Even though I now have a brilliant job at CEL Solicitors, Blue Blankets & Co will not be going anywhere.



**Jemma Castell**  
Trainee Solicitor  
CEL Solicitors

During lockdown I got back into one of my old hobbies from when I was younger - baking! My dad's profession was as a baker and we used to spend our free time together with him teaching me the tricks of the trade. It was a habit I fell out of after he passed away and I moved away to study, but with an excess of spare-time (and no cake shops/bakeries open to satisfy those cravings!) I started to bake again during lockdown. I fell back in love with it so much that I was gifted a Kitchenaid Mixer for Christmas and haven't looked back since! My speciality is currently New York style cookies and my friends at the office are always the first to volunteer to try a new recipe. It's definitely a hobby I will be keeping up and a silver lining of my lockdown!

**Sarah Sharples**  
Paralegal  
MSB Solicitors

Lockdown has certainly been a strange time for all. Thinking back to March 2020, being told we were going to work from home for the foreseeable future, I remember feeling apprehensive. I had only worked at MSB, and indeed in a law firm, for six months and the thought of not having the constant support of my colleagues was almost overwhelming.

Fast forward a year and lockdown and working from home have become the norm. For me, a big silver lining has been the opportunity to spend lunchtimes outdoors. Working from home has also meant that I have had more time on my hands, whether that be to spend time with family and friends or to finish some last pieces of work at the end of the day without worrying about the rush hour traffic. Also, no missed parcel deliveries!



**Alison Lobb**  
**Managing partner**  
**Morecrofts**

I have always loved cooking but with a busy life, my chances to experiment have been very limited. With the curtailment of networking activities, tennis matches and, let's face it, any kind of social life, I started exploring the recipes of the brilliant Nisha Katona, and couldn't believe how easy it was to make Mowgli-style food myself.

It has very quickly become a habit for me to make a different curry every weekend and freeze the left overs, so that we have loads of supplies, and they are all so delicious that we never get bored of them.

My husband certainly isn't complaining! The problem is I am not sure if we will want to go to an Indian restaurant or takeaway again. I can't see us ever going back to buying curries out of the freezer section now that I know how amazing they can taste when they're homemade.



**David Whelan**  
**Trainee Solicitor**  
**CEL Solicitors**

Since lockdown began, I have found myself getting back into reading more books, both fiction and non-fiction. Whilst this was something I had always tried to keep on top of before the lockdown, with being able to work from home and having more availability due to the amount of places that were closed, I have been able to find the time to start reading again. This has also been helped by CEL Solicitor's initiative where they ask their Trainee Solicitors to try and read as many books as possible and meet with our Managing Director, Jessica, once a week to discuss what we are reading and what we think of the book.

I believe that I will continue to keep reading even once lockdown ends as I have found it enjoyable and a good way to relax after work and in my spare time.



**Joshua Murphy,**  
**Solicitor and Repairs Team Manager**  
**CEL Solicitors**

COVID caused most people to lose touch with friends, family and colleagues; and saw many take to digital alternatives to keeping in touch. Myself and my friends were no different, and we decided to start a football podcast. Comprising of four Manchester United fans and me, a lone Evertonian – we took to Zoom as complete amateurs just looking to connect with each other again.

Throughout lockdown we have developed and improved a lot by learning from our mistakes, analysing our successes and using the podcast as an opportunity to try new things. This has resulted in us gaining a humble, but loyal following across the podcast and social media.

Despite football being the main theme, we've also discussed some really important topics such as mental health, racial equality and progressive opportunities for women in men's football to name a few.

Looking to the future, we are hoping to collaborate more with other similar podcasts and continue to provide enjoyable material to anyone happy to listen.

If anyone would like to listen in, we can be found on all social media platforms:

**Twitter/Instagram/Facebook: @WeAre4M1T**  
**Youtube/Spotify: 4M1T**



**Tom Hurley**  
**Trainee Solicitor**  
**CEL Solicitors**

The hobby I have embraced during lockdown is reading which may come as a surprise for somebody who works in law. Whilst I've always enjoyed reading news articles online or law reports and recent updates, I've never been the type of person to pick up and read a book in my spare time.

I'd usually listen to music during my commute or watch TV when I get home from work, but I've really enjoyed how relaxing it can be to get stuck into an interesting book. I'll credit my new hobby to Jess for creating Book Club within CEL and I'm only at the tip of the iceberg in terms of what I've read so far but it's definitely a hobby I will continue to enjoy once life returns to normal.





**Julia Michalczyk**  
Paralegal  
MSB Solicitors

The best thing that came out of lockdown was the ability to study remotely, which made juggling a full-time job and studying LPC part-time so much easier. All those who have done or are currently doing both at the same time know how much of a challenge that is.

Being able to study from home meant that I didn't have to eat in a hurry, rush to my workshops in the evening and then sit in a classroom after a long day at work. Sitting the exams at home with a cup of tea made it less stressful as there was no one I could compare myself with and stress about how much they are saying in their answers, which allowed me to relax and just focus on doing my best. Although it will be nice to finally meet my course mates and tutors when face-to-face teaching is back, I'll miss the comfort of studying from home.



**Melissa Millington**  
Paralegal  
CEL Solicitors

I would definitely say that Yoga is a habit that I started to practice more during lockdown. I had always had an interest and dabbled in the odd class before the pandemic, however, given the limitations at the outset there was only so many Netflix series a person could watch in one day! I looked for classes on YouTube and found a 7-day challenge which I completed with surprising ease and I moved on to a 30-day challenge after that. It's a wonderful way to just move your body after sitting at a desk all day but its meditative elements are also so beneficial on a day where you may not have realised you were holding onto stress.

As my online teacher says it's "a practice, not a perfect" which is a motto I try to incorporate into everyday life.



**Ben Higham**  
Internal Communications Executive  
Carpenters Group

When lockdown began I was desperate to remain active and try new things now that I had more time. I had always known that yoga would be beneficial to all abilities and improve everything from posture at work to agility when playing sports but I just never had the time. I would do one class then never again or book a class in the gym and never turn up.

I downloaded an app and started a free trial, completing on average 3-4 classes each week. When the football season restarted I immediately noticed the benefits compared to teammates and professional footballer Zlatan Ibrahimović attributes playing at the age of 39 down to yoga. Yoga is also a very calming experience and the best way to start or end your day.

Now that life has returned to normal a little bit I have upgraded to the paid subscription and kept up with yoga once or twice a week. I would definitely recommend it.



## **Commercial Property Conference**

Thursday 7th October, 9.30am-3.15pm

Including;

**Commercial Leases in 2021** - Bill Chandler, Hill Dickinson

**HM Land Registry Update** - Leanne Wright, Land Registry

**SDLT Half-hour Masterclass** - Bill Chandler

**Commercial Properties, a Focus on Flood Risk 2021:  
getting the analysis right**

Stephanie Kerr, Landmark Information Group

**Commonhold and Mixed Use Developments**  
Ian Quayle, IQ Training

**Topical VAT issues for commercial property**  
Jenni Christy, Grant Thornton

**Tips & Traps on Commercial Reports on Title**  
Ian Quayle

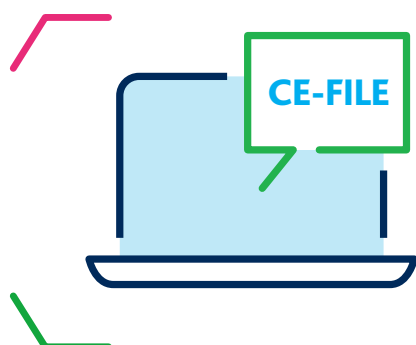
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## How to access support for Electronic Filing **Online Event**

### CE-File: Are you a Professional Court user of the Queen's Bench Division outside London?

E-Filing is scheduled to be introduced from **19 July 2021** for Queen's Bench Claims and Appeals that are currently filed within the following Courts:

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- **Cardiff** Civil and Family Justice Centre
- **Leeds** Combined Court Centre
- **Liverpool** Civil and Family Court
- **Manchester** Civil Justice Centre
- **Newcastle** Civil & Family and Tribunals Centre

To support Professional Users in accessing Electronic Filing, we will be holding **three free online** tutorial events at **10am on 7, 13 and 15 July 2021**.

**Scan the QR codes on your phone to register:**

Scan to register for  
**7 July** online tutorial



Scan to register for  
**13 July** online tutorial



Scan to register for  
**15 July** online tutorial



## Three Horizons offer a route through the mayhem

Future Worlds 2050 is the review commissioned by The Law Society seeking to anticipate the challenges for the legal profession over the next thirty years and how it may respond to them. Inevitably, the report coming out of this review, just published, is pretty superficial in terms of its level of engagement with specific challenges (most of which merit a book in their own right). However, there are several aspects of the report which are striking in themselves and, collectively, provide a persuasive steer for all lawyers willing to engage in this hugely important, but almost overwhelming, issue.

Firstly, whilst the review is intended to look at the future for the profession between now and 2050, the report looks only at the remainder of this decade. This is, itself, a powerful message. The pace of the changes taking place (reflected in some of the shapes I have spoken about here), the interconnection between them (referenced here) and the jeopardy that may flow from taking the wrong, or no, decisions combine to mean that there is more than enough to focus on for now, as well as a need not to think big changes can be left for the future.

Secondly, it is striking that, whilst the report's authors cover a wide range of issues, a common refrain emerges – and one which demands a re-imagining of the role of lawyers in the future. Here are some quotes from the report to illustrate what I mean:

*“The repercussions of this environmental impact would have a profound effect on human ability to subsist, highlighting access to human rights and justice.”*

*“it is only through changes in human behaviour that we can genuinely have an impact on reducing our carbon emissions.”*

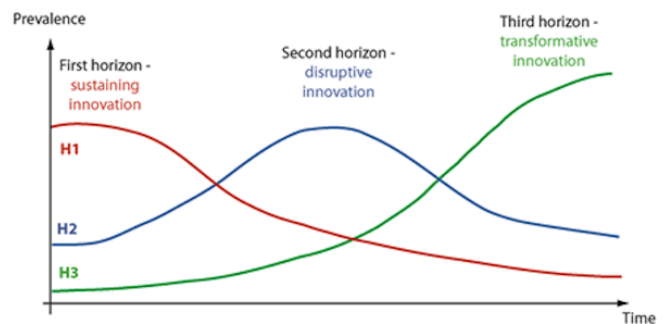
*“The emerging problems will demand cognitive diversity and outside-in thinking. Talent strategies will require firms to create ... multi-disciplinary teams.”*

There is much more of a similar nature in the report reiterating the scale of the challenge, the important role that law is likely to play over the coming years and the changes of approach likely to be necessary to be most effective. The authors of the report interviewed a number of experts to inform their work and comment that “interviewees spoke of a role for lawyers as change agents, questioning whether the legal profession would respond to climate change from an ethical perspective over the commercial demands of their clients”.

I suspect a typical response to the report, particularly comments such as those above, may be along the lines of ‘that’s all very well, but I have clients who have specific and immediate demands now. I already don’t have time to do all the things I need to, so how am I supposed to think seriously about, never mind implement, the sort of dramatic changes this report seems to suggest are necessary? This is where the third notable element of this report – and the Three Horizons – comes in.

Without any fanfare, buried in the middle of the report, is a section which offers a credible response to exactly that question. The Three Horizons is a methodology developed by Bill Sharpe of the International Futures Forum. Its aim is to help all of us who might sense that how we are living and working is exacerbating the problems confronting us, but who struggle to see beyond a binary choice of trying to keep calm and carrying on in the current system (feeling complicit and inauthentic in the process) or rejecting that system, walking away from it, but possibly discarding what leverage we may have as an insider and also potentially making life for us and our loved ones feel less secure.

Very simply put, the Three Horizons comprise H1, the current system; H2 transformational experiments; and H3 the emerging paradigm. The essence of the methodology is to look at these alternatives, and



the relationships between them, both in any given moment and over a period of time. For now, H1 predominates and we need it and people dedicated to keeping it functioning, to ensure order is maintained and the economy and society continue to function. Knowing the system is not fit for purpose, we also need people giving serious thought to what an alternative, fit for the future, may look like, operating from an H3 perspective. This is where talk of multi-disciplinary practices, change agents and ethical guardians comes in. However, it will take time for what that looks and feels like to take shape.

In the middle we have H2, the territory where some experimentation is already taking place. This is, in fact, an area of intense activity at present and Sharpe identifies subcategories within H2: H2+ are initiatives exploring new ways of doing things. Some may not survive in their current form, but may be foundational in laying the ground for H3 to flourish. Examples may be certain alternative business models, knowledge partnerships between law practices and academia (such as the British Academy’s Future of the Corporation initiative), specialist practices such as Client Earth, Foxglove, Stop Ecocide and the Good Law Project, and the growing body of networks of lawyers looking to make a difference such as the LSA, The Chancery Lane Project and Esela.

There is also H2-. These are also different ways of doing things to H1, but ones which may have the effect of prolonging the life of the H1 system to the point where they are doing more harm than good. Unintentional greenwashing falls into the category, along with all those practices which are in themselves sustainable but which are overshadowed by other negative actions. Taking a helicopter from London to Cornwall to lecture world leaders on the need to reduce carbon emissions is one example of this attitude (happening as I write) which, when amplified, leads to the City of London financing more carbon emissions than Germany according to a recent study at the same time as banks, insurance companies and asset owners line up to sign up to the UN Race to Zero.

The value of Three Horizons, it seems to me, is it gives us a way to understand our place in the system and how we are contributing in any given moment; a way to assess whether we are happy with this or whether we want to adapt, incrementally or more significantly; and a greater sense of both agency in the moment and wider purpose. It also dissipates the temptation to revert to some oppositional perspective: it is not about each horizon being in conflict with the others, but about remaining alive to the relationships between them and working together to ensure those relationships remain healthy as we aim for an equitable and liveable future.

I wonder whether The Law Society knows about the Three Horizons or its promotion of it in its recent publication. I sincerely hope it gets familiar with it, gets behind it and enables its members to use it to navigate this challenging decade.

**The Uncertain Solicitor**  
<https://theuncertainolicitor.substack.com/>



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# Liverpool BID Company

**Our regular update from Julie Johnson, partner at Morecrofts Solicitors and chair of Liverpool BID Company's Commercial District BID operating board**

The news that Liverpool BID Company has been successful in the ballot for a new, expanded Culture & Commerce BID area came at a significant moment for the city. Having been Chair of the Commercial District for three years, and a Board Member before that, the change in the area has been transformational.

The new BID area will expand the existing Commercial District BID area, and see it extend from Lime Street and St George's Quarter to the Waterfront. The £1.2m investment every year will go into the city centre, making it a welcoming, accessible and dynamic place for visitors and business alike.

Two days after the announcement, the government announced that the roadmap out of restrictions was to be delayed by a month because of rising Covid cases. At Liverpool BID Company, we have been working closely with partners, including Public Health in Liverpool, to highlight the need for regular testing in Liverpool, supporting the vaccination programme and communicating information for businesses to help them stay safe.

It reminds us that the pandemic is not over, and Liverpool is still susceptible to the impact of rising Covid cases. The impact on different industries, from working from home guidance to restricted openings and even closure, remains.

Yet while we face the immediate concern of the short term, as a city we have to focus on the horizon as well. The new Culture & Commerce BID is designed to create the framework of a strategy for recovery for the city centre post-pandemic.

Before the pandemic, Liverpool was one of the UK's top four cities in terms of economic growth rates. Its visitor economy is worth £4.9bn while the engine fuel of its £28.3bn economy is fuelled by the business activity in the city centre, which covers professional services, maritime industry, creative, digital, tech, research and higher education.

If we look at footfall as one of the markers of the city getting back on its feet, rates are rapidly returning to 2019 levels - it was 34% lower than 2019 levels in May this year, by June this has dropped to 7% under 2019 levels, so the pull of the city centre is still there.

Liverpool is seeing one of the fastest recovery among English cities as seen on the UK Cities Recovery Index from Avison Young. It is vital that recovery makes the city stronger, looking to the future and planning to respond to the challenges created by the pandemic, especially for business and supporting them to grow once again.



**Julie Johnson**

A five year economic plan, funded by this new expanded BID area, focuses on improving the city's public realm, making the city centre a welcoming place for visitors and businesses, making it cleaner, safer, improving public and civic squares and city centre green space.

The place we do business in is critical, how attractive it is, how well its infrastructure supports us, how easily we can move around and how accessible we are for every person who lives and works here is important for our future and our growth.

It is about putting our energy into our people, as well as place. Good mental health and wellbeing are central to our idea of bringing people together, with shared experience and to learn from each other's skills and experience. Developing and strengthening our workforce helps to make our city more robust but also a happier and healthier place to be.

Investing in our environmental future, and our ambition to be a carbon neutral city is a commitment to those younger generations and the ones coming after us. Building back better is a well known sentiment, but at the heart of it is a desire not just to get back to where we were before Covid, but to be stronger and more resilient than we were before.

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# Monthly Costs Update



Welcome to our new monthly update in which we discuss recent trends and developments in Costs Law and Practice. If you feel that there are costs related issues of interest, please feel free to contact us

Last month saw the latest instalment in the ongoing saga concerning deduction from damages in successful cases, particularly routine RTA cases. This was the judgment in **SGI Legal LLP v Karatysz [2021]** EWHC 1608 (QB).

The facts are familiar to anyone who has followed the story. A straightforward claim settled for £1250. The solicitors recovered £1116 from the insurers. They deducted a total of £445.50 from the damages in respect of a success fee of £312.50 and ATE premium of £143.00. The case was brought by checkmylegalfees.com who conceded that the ATE premium was properly deducted. Neither did they dispute all of the success fee. They argued that £135 was reasonable on the basis of 15% of the base costs of £900. This took £278 out of the equation and narrowed down the sums in dispute to £177.50. This seems a remarkably modest amount. But as we have seen across these cases, the overall impact to the claimant sector can run to many thousands.

The client argued that the solicitors base costs were limited to the sums recovered from the insurer - £900 plus VAT. CPR 46.9 (3) says that costs are presumed to have been unreasonably incurred if –

1. They are of an unusual nature and
2. It was not explained to the client that they might not be recoverable from the other side

It was found that the solicitors had made it clear to the client that the success fee would not be recovered from the other side. So the question was whether the costs were unusual. The solicitors' hourly rate was £161. The DJ found that was too high and reduced it to £120 and limited the time spent to 9 hours. But this on its own did not justify limiting the costs to what was recovered from the insurer. It was self evident that if the DJ had found that an hourly rate of £120 x 9 hours was reasonable. This resulted in base costs of £1080 plus VAT - £1296. This meant that the solicitors were entitled to deduct the full £445.50.

[Interestingly the **Belsner v Cam** argument that the deduction was limited to sums recoverable from the other side as result of s74 (3) Solicitors Act 1974 fell away. This was because the point was not raised in the respondents' notice and relief from sanctions was refused]

A second issue arising from the appeal is a bit more straightforward. Indeed the arguments for the client were a bit far fetched in our opinion. This concerned costs of the

assessment. There had been a reduction in the bill. S70 (9) Solicitors Act 1974 provides that the solicitor will pay the costs of the assessment if the deduction exceeds 1/5 of the amount of the bill.

In this case the time recorded costs appearing in the breakdown totalled £2731.90. But the costs were actually capped at £1571.50. The client argued that the higher figure was the starting point for the purpose of s70 (9) and so they had achieved a reduction entitling them to costs. The solicitors argued that the real figure was £1571.70 so any reduction was based on this. Lavender J took a common sense approach and summarised the position succinctly as follows –

*“Since a bill of costs is a demand for payment, it is in my judgment plain that the amount of a bill is the amount demanded by the bill”*

So the solicitors did not have to pay the cost.

In other news, Part 36 has made another appearance. **Shah v Shah [2021]** EWHC 1668 was all about £1. This was in the context of a drawn out and complex family dispute involving property in India. The claimant had made a Part 36 offer of £1. HHJ Saggerson found in favour of the Claimant and awarded nominal damages of £10. But this beat the claimant's offer, albeit by a very modest amount.

The judge decided that the usual Part 36 consequences followed. Costs were about £200k! The decision was upheld in the High Court by Mrs Justice Collins-Rice. The judge was entitled to find that the Claimant had secured an outcome that was - 'at least as advantageous' to them as their offer'. He was entitled to find that this was – *“a genuine compromise in which they were prepared to settle for less than their claimed entitlement.”*

At its heart the offer was all about liability and costs.

She found that the consequences of Part 36 can be punishing, but that alone did not make them unjust.

**If you require help in relation to any costs issues contact Robert Cook at [robert@cook-legal.co.uk](mailto:robert@cook-legal.co.uk)**



# Regulation Update

## The latest regulation news from Michelle Garlick of Weightmans LLP

**Hopefully you have been able to make the most of the weather and some of the new found freedoms over the past few weeks. The 21 June came and went without change, and whilst the world feels a little like Groundhog Day there are changes that we all must keep up to date with, so grab a coffee and get comfy for this month's update!**

### **Reprieve for SIF as closure postponed for further 12 months**

The big news this month was the announcement by the SRA confirming it has agreed to extend the SIF for another year. This will be welcome news to the Law Society and the profession as a whole, especially those solicitors who have retired from practice but who potentially faced exposure for historical claims post-closure of SIF. It is hoped that the extension does not just mean "kicking the can down the road" only to be in the same position with the same concerns next year. The Law Society has urged the SRA to act quickly and come up with a solution and the SRA has confirmed that it will consult on next steps including alternative indemnity and a "hardship" fund. We will of course keep you updated and respond to the consultation on your behalf so do let us know your views.

### **PII premiums hike**

Any firm who has just been through PII renewal in the

Spring will be well aware of the tough market we are now in and the significant increases in PII premiums being sought by insurers. According to a report issued by brokers, Lockton, even "claim-free" firms have seen an average increase of almost 23% whilst across all firms, premiums increased this Spring by an average of 27.3%. The prediction is that these difficult conditions are likely to continue for some time to come with rates expected to continue to rise for the October renewal season. Conveyancing work and probate are the main practice areas giving rise to increasingly costly claims and firms are being encouraged by the Law Society to "take steps to review their risk management practices and ensure these are adequate to avoid all but the most improbable claims". All firms where renewal is due on 1 October need to be preparing early to ensure that the best picture possible is presented to insurers of the work they do and their risk management processes. Compli can assist with risk reviews so don't hesitate to get in touch if you need help.

### **First signs of consolidation?**

Latest SRA figures reveal the number of law firms has fallen below 10,000 for the first time since the SRA started publishing these figures 11 years ago, with speculation growing that this could see the start of a consolidation phase in the

legal profession which has been predicted for some time. The number of firms closing is now regularly exceeding the number of firms which are opening each month. The majority of regulated firms (51%) are now incorporated companies with a further 15% LLPs. Partnerships and sole practitioner numbers are falling significantly. Changing entity/mergers and acquisitions and closures etc involve a number of regulatory steps which are not always straightforward to navigate so if your firm is considering any of these, do get in touch for guidance and assistance.

### **Cap on claims management fees for financial misspelling claims**

For any firms involved in financial services and products claims management work, the SRA has announced that it will follow the FCA's approach and cap the fees law firms can charge for such services. It will not however be capping fees for other claims management work, in particular in relation to personal injury. The FCA had already announced that it would be capping fees charged by CMCs in relation to these claims, set on a sliding scale depending on the level of compensation recovered. The SRA has confirmed that it will issue a discussion paper later this summer which will be benchmarked against the FCA's approach and has already stated that it will



**Michelle Garlick**

need to have "good reason for departing from whatever process the FCA introduced".

### **Compensation Fund payments**

The SRA has announced that monies paid from the Compensation Fund increased during 2019/2020 to £10.3 million, notwithstanding a fall in the total number of claims.,

The SRA had also sought to introduce a cap on single claims of £500,000 but such plans have now been dropped after the Legal Services Board indicated it would not support the change which it said would cause "significant detriment" to clients.

### **Law firm comparison websites**

Consideration is being given by the Legal Services Board to whether or not law firms should be forced to register for a single comparison website. The SRA is currently piloting a scheme with the assistance of around 70 firms and is looking to extend the pilot to increase the number of firms taking part. The pressure is mounting on regulators to ensure that firms provide consumers with information about their

services following on from the Competition and Markets Authority's report. Support is growing in the industry for a market-led approach as opposed to regulatory enforcement. Consumers would still get their choice of firms that have elected to use such comparisons and, if successful, those firms will benefit from the increase in clients, consequently driving more firms to partake. If, however, progress is slow, we might well see further regulation being introduced.

## Are you going down under?

Australia is set to make life easier for junior lawyers to move towards sunnier climates without having to requalify. The proposed trade deal between the UK and Australia ensuring mutual recognition of professional qualifications was welcomed but the Law Society has warned of "practical barriers" that will not be reflected in the trade deal. Many remain cautiously optimistic for what this could mean for their future.

## Disciplinary cases

### CV Porkies

Honesty will always be paramount but a City partner learnt this lesson the hard way when she was struck off for inflating prior billing figures when applying to move firms. She claimed to have billed £1.4 million at a previous firm when in reality, she had only billed £177,000 in the 2 years she had been at the firm. At the tribunal she claimed that the figures she gave were what she could have billed had she received the correct resources in her prior firm and that the new firm was aware of this when it took her on as an equity partner. Dishonesty was found even though the tribunal recognised the

pressure that she was under and ordered her to pay £51,615 costs.

## Charging Dead

A retired sole practitioner has been struck off and ordered to pay £25,000 costs for charging monies to a deceased client's account. He denied any dishonesty but the tribunal found personal gain at the centre of several years of misconduct. During the hearing an SRA costs' expert cited a lack of detail on the invoices which made it difficult for any third party to ascertain what was being charged for. This serves as a reminder to all to make sure bills are accurate and sufficiently detailed.

## Watch what you tweet

A family law barrister has been suspended after a Twitter exchange with a controversial writer about the Duke and Duchess of Sussex's baby which she believed to be a joke. The Family Law Bar Association did not agree and tweeted: "We make it clear that FLBA condemns the comments by the individual which are completely inappropriate and have no place in our society. Racism of any kind cannot be tolerated and cannot be justified as a 'joke'."

**Michelle Garlick**  
**Weightmans LLP**  
**Chair of Regulatory Affairs Committee**

## The 2021 Family Finance Conference

Wednesday 29th September 2021, 9.30am till 3.10pm via Zoom

*Can't make the date/time ? No problem, booking onto this event means you will receive a link to access a recording of the event at your leisure!*

A must-attend training event for solicitors, barristers and other practitioners involved with family law. Providing a round-up key developments in law & practice and an opportunity to hear directly from some first class speakers

**Chaired by District Judge Baker  
& with confirmed speakers;**

**Juliet Allen, St Philips Chambers**  
**Alexis Campbell QC, 29 Bedford Row Chambers**  
**Archana Dawar, St Johns Buildings**  
**Sheren Guirguis, Exchange Chambers**  
**Charles Hale QC 4 Paper Buildings**  
**Sam Hillas QC, St Johns Buildings**  
**Ashley Murray, Ashley Murray Chambers**

[Click here to book](#)

## Litigating Commercial Contracts with Helen Swaffield

Thursday 30th September, 9.30am - 12.30pm

**This is aimed at contentious and non-contentious practitioners and in-house counsel. Always practical with drafting and litigation points.**

Covering:

- Formation and interpretation
- Deeds and execution
- Good faith and the exercise of contractual discretion
- Implied terms
- Warranties, third party rights and assignment
- Guarantee and indemnity
- Obligations and endeavours
- Breach of contract and remedies
- Limitation of liability
- Boilerplates



**For more information or to book, [click here](#)**



# News from Merseyside Junior Lawyers Division

June has been another busy month for MJLD. Unfortunately, our Pizza and Pride event has been postponed until July. We are eagerly awaiting the lifting of all COVID-19 restrictions and are excited to reunite with our members. We anticipate that this be a fantastic event, so please do continue to watch this space for further information about how to sign up.

We successfully hosted a joint event with Liverpool Law Society on 22 June – ***"Burn Bright Not Out in Your Legal Career"***. Donna Smith (from Odannata Coaching) provided key tips and advice on how lawyers (particularly junior lawyers) can avoid burnout and thrive in their legal careers. Donna shared the details of her own experience of recovering from burnout. The event was thought provoking, highly beneficial and well attended by members of both MJLD and Liverpool Law Society. We understand that the last 18 months have been challenging for our members and the event provided some invaluable guidance on how junior lawyers can burn bright!

We are continuing to work closely with the Liverpool Law Society to prepare a session about the impact of the COVID-19 pandemic on the employability of junior lawyers. As we have mentioned previously, we will be circulating a survey to our members, so that we can gain a real insight into the positive and negative experiences of remote working. We will ask employers, trainee solicitors, pupil barristers and newly qualified lawyers about how training has been impacted (or not impacted) by remote working. We hope that you will provide your input. We can assure you that all information will be kept anonymous. Elections for the 2021/2022 MJLD Committee will be opening next month. We will provide more information about this in due course, so please stay in touch if you would like to get involved. This is a great opportunity for young lawyers to continue build their network and really make a difference to the future of the legal profession.

Finally, our Education sub-committee is continuing to coordinate our successful marshalling scheme and work is underway to prepare for more students to visit the criminal Court during the summer.

**Olivia Parrington**  
Secretary, MJLD



**Olivia Parrington**





## Liverpool Chamber Day at the Liverpool International Tennis Tournament

The Liverpool Chamber has partnered with the Liverpool International Tennis Tournament this summer to bring our members Liverpool Chamber Day on Thursday 19th August.

We are offering 20% off tickets for Chamber members (which includes members of Liverpool Law Society who are associate members) to join us in the Legends Marquee where you will receive:

- A welcome drink on arrival,
- Three courses sit down lunch with complimentary wine and soft drinks,
- Afternoon Tea,
- Access to a private cash bar,
- Reserved VIP centre court seating,
- Access to practice courts,
- Player Q&A,
- A souvenir programme

### Itinerary:

11.30 Arrival and drinks reception

12.00 Lunch is served

13.00 Play to commence

14.15 Feature match of the day

15.30 Afternoon Tea

18.00 Anticipated close of play

For tickets and to access the member discount, please contact our membership team at [membership@liverpoolchamber.org.uk](mailto:membership@liverpoolchamber.org.uk).



## Liverpool Law Society back free business support initiative to help employees get healthier and happier

Evidence shows that an active workforce improves business performance:

27% fewer sick days are taken by staff who are physically active

91% Liverpool organisations reported improved staff communication and morale when taking part in the previous Liverpool Active Workplaces programme

- reduces turnover and improves Corporate Social Responsibility

Although we are in unprecedented times and in economic uncertainty with the impact of Covid-19, the health and wellbeing of employees is an even greater priority for employers.

We know that employees working in professional services industries have had to juggle working from home, home schooling and adapting to new technologies and ways of working over the last 12 months - we recently surveyed businesses in Liverpool, with 91% reporting that staff health & wellbeing has reduced as a result of Covid-19, and 85% said that staff don't feel as connected to each other.

As we move through the different phases of the lockdown and easing of restrictions, there is a real opportunity for businesses and employees to start to adopt new behaviours that could result in better productivity, healthier staff and a greener environment.

Liverpool Active Workplaces is here to support your organisation, and by signing up your organisation will receive a free package of support that includes:

***Resources, activity challenges and group activities[1] for employees to help encourage them to be more active, and more active whilst working from home***

***Workshops for managers about how to improve staff health & wellbeing, and peer support training for colleagues***

***Workplace Toolkit – a practical guide to implementing workplace activity initiatives and signposting to sources of support***

***Access to the Liverpool Active Workplace Conference, learning events and further staff consultation support***

Becoming an active workplace is quick and simple – join in with the growing network of organisations across Liverpool who have signed up to the initiative, supporting Liverpool to become the most active core city in England.

**Sign up to the Liverpool Active Workplaces programme**

## MSB & #Mandela8My67 Programme

MSB Solicitors are delighted to be participating again this year in the #Mandela8My67 programme coordinated by Liverpool based charity Mandela8. The concept of this annual calendar event honours the legacy of Nelson Mandela and continues to echo his words; “There can be no greater gift than that of giving one’s time to help others without expecting anything in return”

The programme encourages everyone to volunteer 67 minutes of their day doing something positive for someone else in their community.

This year Mandela Week falls on 12th – 18th July, which incorporates Mandela Day on the 18th of July, (Mandela’s birthday).

MSB continue their commitment as sponsors of Mandela8 and this year will be involved in a further social media campaign to display iconic quotes from Mandela. Also, as part of its commitment to social justice and equality, MSB would like to invite the Liverpool legal sector to join them and get involved in the #Mandela8My67 programme taking to social media to share your acts of kindness using the hashtags #Mandela8My67 #Mandela8 #My67Minutes #MandelaDay

Show your support and get involved. Visit [www.mandela8.org.uk](http://www.mandela8.org.uk) for more information on the charity and to get inspiration on ways to spend your #Mandela8My67.

What will you do with your 67 minutes?

## Carpenters support Football for Change

Carpenters Group’s Director, Donna Scully and Chairman, John Carpenter are proud Football for Change Champions.

Football for Change support young people facing social and economic challenges to reaching their full potential in education & employment.

Carpenters Group are delighted to support this important initiative - <https://www.footballforchange.org.uk/>



## Will Aid is a national will-writing campaign that takes place every November

Founded by solicitors in 1988 in response to Live Aid, and to reinforce the importance of having a professionally written will, Will Aid has been raising vital donations for nine of the UK’s best loved charities for over 30 years.

Each year local solicitors volunteer their time to write wills for people and instead of charging a fee, ask clients to make a voluntary donation to Will Aid. The money raised supports the life-changing work of the Will Aid partner charities: Age UK, ActionAid, British Red Cross, Christian Aid, NSPCC, Save the Children, SCIAF, Sightsavers and Trocaire.

The scheme is currently recruiting solicitors in the Liverpool and Greater Manchester Area where there has been huge demand for wills in recent years. Previous participating solicitors say Will Aid has not only helped them with generating positive local publicity, but it has also introduced them to valuable new clients many of which have used other services they offer.

Manchester law firm, JMW Solicitors LLP, has taken part in Will Aid for the past 11 years and raised over £20,000 for the campaign. Demi Crosbie from the firm highlights the importance of making a will with a professional solicitor and said:

“We were delighted to take part in Will Aid last year and very much look forward to the 2021 campaign.”

“Making a will is a positive act which will greatly assist your loved ones when you pass away. You can have peace of mind in the knowledge that your wishes shall be carried out.”

“Being part of Will Aid gives us the opportunity to give back to the community and it has allowed us to grow our client base at JMW.

To raise the profile of your business, meet new clients and help charities bounce back from the impact of the pandemic, sign up to the 2021 campaign today!

<https://www.willaid.org.uk/solicitors>



**Save The Date...**



THE  
ACCESS  
TO JUSTICE  
FOUNDATION

 **Tuesday 21st September 2021 at 6:00pm**

***Sign Up Today at***  
***[www.nwlst.org.uk](http://www.nwlst.org.uk)***

### ***Why We Walk...***

**FOR THE POOREST AND THE MOST VULNERABLE PEOPLE IN OUR COMMUNITY, ACCESS TO JUSTICE IS OUT OF REACH**

- *Families living in terrible housing conditions.*
- *People who have been unfairly dismissed or who are discriminated against at work*
- *Elderly people who need support to stay living independently.*
- *People who suffer disability or illness and their carers.*
- *Women and children who have been trafficked to the UK to become domestic or sex slaves.*

### ***connect with us...***



@northwest.lst



NWLST



@NWLST

**#LegalWalk #Liverpool**

***Sponsored by:***  **The Law Society**

*Access to Justice Foundation charity number: 1126147*



# The Keith Jones Partnership committed to support NEO Community

NEO Community is a Wirral based charity recognised as key providers of food assistance and support throughout the local community and has grown in size, success and delivery since 2013. Their goals are to reduce poverty and its impacts, to encourage good environmental practices and to secure prosperity and growth for all. What they are proposing is not charitable donations but investment in people and communities to create well-being, good health, aspiration and prosperity for generations to come.

The Keith Jones Partnership are proud to be a member of the NEO 50 club. The concept is simple – 50 local or national businesses or individuals pledge an amount of money each month to NEO, which allows them to build up a fund that underpins the work that NEO does all across Wirral, creating stability for the projects and the teams. This is important as there simply isn't the money available from local or national government to support community development. The NEO 50 Club ensures long-term sustainable social change and creates significant impact in the community.

Keith Jones, Managing Director of The Keith Jones Partnership, was requested to attend a presentation and in recognition of the firm's support through the Neo 50 Scheme was awarded with a plaque which is now proudly displayed in the office.



**Keith Jones with Ema Wilkes,  
CEO of NEO 50 Club**

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## Donna Scully and Carpenters Group team win 'Outstanding Charity Support' Award at the Regional Business Awards

Donna Scully, Director of Carpenters Group, and the Carpenters Group team won the 'Outstanding Charity Support' Award at the Liverpool Echo Regional Business Awards on 17th June 2021!

They were nominated for this award by the fantastic L6 Community Centre.

Donna Scully dedicated the award to the L6 Community Centre, Fans Supporting Foodbanks, 23 Foundation & all the great Merseyside groups that she works with.



**Donna Scully**

**Send your CSR and Charity news for the next edition to [editor@liverpoollawsociety.org.uk](mailto:editor@liverpoollawsociety.org.uk)**

# Charity Spotlight

## Help our region's young people Thrive!

What is Thrive? Thrive is a Liverpool city centre coffee shop with a difference; a coffee shop dedicated to support workers who care for some of our most vulnerable young people including young people leaving the care system.

Liverpool City Region has a very large care-experienced population which is growing year on year due to abuse or neglect, family dysfunction, immigration, criminality, and criminal exploitation resulting from rising levels of child poverty.

Recent statistics tell us that 43% of Liverpool City Region care leavers aged 17-21 were not engaged in either education, employment, or training and the team at Thrive wanted to do something about this.

Our belief is that all young people have the right to live happy, safe, and fulfilling lives, furthermore we believe that setting young people on the path to financial independence through employment reduces the risk of exploitation and grooming faced by care experienced young people.

### What do we do?

Thrive is a safe space where young people and the adults who care for them can grab a drink, build rapport, and talk about the issues impacting on the young person's life. We also offer access to Wi-Fi, laptops, careers services and job search support. Selected as a Liverpool City Region 'Youth Hub' young people aged 18-24 can also attend Thrive as an alternative to attending their local jobcentre.

Working with partners we are also able to signpost young people to specialist support and advisory services including mental health and well-being services, drink/drug dependency services and debt advice.

Working with partners we are tackling digital poverty and knocking down the barriers that young people furthest away from the job market face.



Thrive is open to partners, all support organisations, and their young people working together we believe we can build a better future and an inclusive economy to prevent the young people who need us most being left behind.

### What we've achieved so far

Launching in October, during the Covid-19 pandemic, Thrive has been accessed by 124 support workers and 176 young people, 23 of whom have secured job opportunities.

During the second national lockdown we temporarily took our services online hosting weekly virtual careers sessions accessed by 316 young people. We also offered a weekly telephone check-up service for young people with our job coach Kerry and 1-1 mentoring sessions with employers and mental health coaches as an extra layer of support.

Partnership has been key in making this happen and we have been delighted with the organisations and individuals who have given us not only their time but also demonstrated their passion to really make a difference to the young people in our region.

### We need your help

Thrive is seeking the support of employers to change the futures of our regions young people. Supporting Thrive is a great way of contributing towards your organisations CSR and you can do this in several ways.

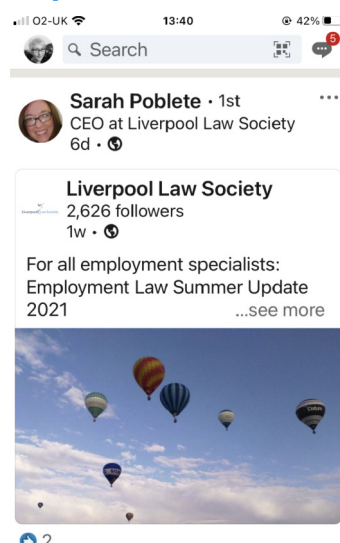
You can commit to one of sponsorship packages, all donations go towards supporting young people through intensive job search and the creation of our safe space. You can deliver an interactive careers session to help inspire young people and highlight the variety of career opportunities available by talking about your journey and career. Most importantly, if you can provide work experience, placements, apprenticeships, or any other opportunities around employment we would love to hear from you. You can email [info@thrive-cic.co.uk](mailto:info@thrive-cic.co.uk) or visit [www.thrive-cic.co.uk](http://www.thrive-cic.co.uk) for more information.





# June Social Media Highlights

Each month we will be bringing you a selection of the latest social media posts by Liverpool Law Society and its members







## **\*\* Training events open to legal professionals nationwide \*\***

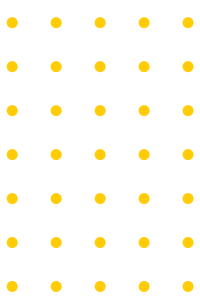
Attend from anywhere via Zoom software.

**Can't make the date/time or need to revisit the training? No problem!**

**Booking onto any of our training seminars & conferences means you will receive a link to access a recording of the event to watch at your leisure!**

Some of our forthcoming events are below – for full details, visit: [www.liverpoollawsociety.org.uk](http://www.liverpoollawsociety.org.uk)

Date	Title	Speaker
14-Jul	Overage Restrictive Covenants & Conditional Contracts	Richard Snape
07-Sep	Anti Money Laundering Update	Matthew Hickling
08-Sep	<b>Private Child Law Conference</b>	Various
10-Sep	Running Care Cases	Safda Mahmood
15-Sep	<b>Residential Property Conference</b>	Various
17-Sep	Complaints to Compliments	Vicky Ling
21-Sep	Working with the SRA Accounts Rules 2019	Linda Lambert
22-Sep	Ten Good Habits when Dealing with Property Joint Ventures, Options & Overage	Ian Quayle
23-Sep	Service Nightmares & How to Avoid Procedural Death—Update on Service Rules & Court /Trial Fee Traps	Jeff Zindani
24-Sep	Conversion to Family Law & Practice Certificate	Safda Mahmood
29-Sep	<b>Family Finance Conference</b>	Various
30-Sep	Litigating Commercial Contracts	Helen Swaffield



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