

Family Law - April 2014 Changes

On 22nd April 2014, the Children and Families Act 2014 came into force, and with it came many important changes to Family Law. One crucial change relates to clients who are thinking about issuing court proceedings to separate their assets, or those considering issuing court proceedings because of a disagreement about the arrangements for children. There is now a statutory requirement to attend a Mediation Assessment and Information Meeting (MIAM), prior to issuing those proceedings at Court.

The new rules make it clear that the Family Court must now consider, at every stage of proceedings, whether resolution of the matter outside of court may be appropriate, and the court will keep this in mind even if court proceedings are ongoing.

In practice, this means that before filing an application in private law children proceedings, or proceedings for a financial remedy, the person seeking to issue the application must have attended a MIAM, at which a trained mediator will assess the nature of the dispute and the parties' suitability to resolve the matter 'out of court' at mediation.

If the mediator considers that the matter is not suitable for mediation, or if mediation is attempted but no agreement between the parties can be reached, then the mediator will sign a form confirming their attendance at a MIAM, and the court application can then be issued.

There are some circumstances in which mediation may not be appropriate, for example: where there is evidence of domestic violence; in certain circumstances relating to Local Authority involvement with a child; or if the application needs to be made urgently.

At Douglass Simon we can discuss all of your legal options, including methods of resolving your dispute without the need to issue court proceedings. Our Family Solicitors are all members of Resolution, and are committed to helping you resolve your family dispute in a constructive and non-confrontational way.

Business Immigration

Your business is thriving and you wish to recruit from the global workforce. To sponsor a non-EEA national from abroad, an employer requires a sponsor licence. The application is submitted to the Home Office which will consider several factors including your HR systems. Only certain types of jobs listed on a "Shortage Occupation List" or on a generic list called the "Codes of Practice for Skilled Workers" are capable of "sponsorship". For the latter, strict requirements are usually imposed such as advertising the post ("the Resident Labour Market Test") in the UK for 28 days. The job description will need to fit into the categories listed in the Standard Occupational Classification 2010 (SOC 2010) and be skilled at NQF level 6 or above. The Home Office may inspect your business premises to decide whether to grant a sponsorship licence. If granted a licence, you may apply for a CoS (Certificate of Sponsorship) allocation. Only 20,700 restricted CoS per annum are available for ALL employers. If not granted a licence, we specialise in the Judicial Review of refusals.

Disclaimer

The Information in this Newsletter is believed to be correct at the date of publication but it is of necessity of a brief and general nature and should not be relied upon as a substitute for specific legal or professional advice.

SRA Number: 224458

BREAKING NEWS

Richmond Office now open on Saturdays from 10:15 to 13:00

Did you know that from 1616 to 1617 Pocahontas, the red Indian princess, lived in Brentford.



Probate

What we can do for you

The loss of a loved one is a distressing and traumatic experience. You may not feel ready to deal with the complexities of dealing with your loved one's Estate or you may not know exactly what needs to be done next.

Douglass Simon Solicitors are probate specialists who provide a professional service designed to lessen the stress for you at a difficult time.

Our services include:

- Registration and obtaining death certificates
- Valuation of the Estate
- Organising a pre-paid funeral plan
- Informing relevant organisations including banks, building societies, life insurance companies, employers, local authorities, Inland Revenue, Benefit agency etc.
- Drawing up a Schedule of Debts
- Completion of Inheritance Tax Returns forms
- Liaising with the Probate Registry regarding Grant of Probate and Letters of Administration
- Preparing Estate Accounts
- Assistance in post debt arrangements, Inheritance Tax planning, arranging for the sale of the Deceased's property etc.

Ten Reasons to Make a Will

1. Control. Without a Will, your assets will be distributed in accordance to the Rules of Intestacy.
2. Assurance. You can appoint a guardian for your children under the age of 18 years if misfortune happens to befall you.

3. Trust. You are able to appoint those you trust as executors to take care of your Estate.
4. Ease and costs. It is quicker and easier to appoint executors rather than having your next of kin become administrators and be responsible of your Estate.
5. Ensuring that your Spouse gets what they deserve. A common misconception is that when you pass your spouse is automatically entitled to inherit everything. FALSE. The Rules of Intestacy dictates this.
6. Surety. If you are unmarried, having a Will ensures that your partner receives a part or all of your Estate. The Rules of Intestacy do not take into account modern living arrangements of cohabitation.
7. Minimising Inheritance Tax and other future liabilities. The current Inheritance Tax (IHT) threshold is £325,000.00 which means that your estate, if valued over this sum, may be subject to IHT of 40 per cent.
8. Worth. Taking control as to who is worthy to benefit from your Estate.
9. Charity. It may be your wish to leave 'gifts' to friends, charities or extended family members who may not otherwise be entitled under the Intestacy Rules.
10. Peace of mind.

Employment Rights at Work What to expect from your employer

Statement of Terms and Conditions

This details your job title, wages, notice period, grievance procedure, work hours, sick pay, holiday entitlement and pension plan (if applicable). This must be given to the employee within eight weeks of the commencement of their employment.

Did you know that Elizabeth I and Henry VII lived and died in Richmond Palace which was build on the site of former Sheen Palace.



Wages

The National Minimum Wage is a legal right which covers all workers in the UK including international students, home workers, agency workers, commission workers and casual employees. As of 1 October 2013, you are entitled to a minimum wage of £3.72 per hour if you are aged 16 to 17 years, £5.30 per hour if you are aged 18 to 20 years and £6.31 per hour for those aged 21 years.

Getting Paid

All employees are entitled to receive their wages. If you are paid cash in hand, your employer should still arrange for Income Tax and National Insurance to be paid if appropriate.

Health & Safety

Employers have a statutory duty to provide a safe environment for you as an employee to work in.

Working Time Regulation

The Working Time Regulation 1998 ensures that work is carried out safely and effectively ensuring that workers' welfare is considered. The 1998 Regulation provides information on days off; break time regulations and working hour limits.

The Equality Act 2010 protects employees from discrimination, whether it be direct or indirect, as it is unlawful to discriminate against, harass or victimise on the grounds of: Age, Disability, Gender reassignment, Marriage and Civil Partnership, Pregnancy and maternity breaks, Race, Religion or belief, Sex and Sexual Orientation.

Recent changes in the law mean that you are now required to show two years continuous employment before you can bring a claim for unfair dismissal. This does not however affect an employee's statutory rights such as those set out under the Equality Act 2010.

Did you know that Howard Carter the English archaeologist, Egyptologist and primary discoverer of the tomb of Tutankhamun, lived at 19 Collingham Gardens, Earls Court.

Our Languages

Our practitioners' legal skills are complimented by their commitment to strive for and achieve the highest possible standard. As part of our dedication to our multinational clients, we can assist in the following languages; Tagalog (Filipino), Hindi, Punjabi, Urdu, Arabic (all dialects), Spanish, French, German, Portuguese, Italian and Japanese (spoken only).

Free Legal Surgeries

For over a decade Douglass Simon Solicitors have been active in assisting those who are unable to afford legal advice. As our way of giving back to the community we provide initial advice absolutely free in our legal surgeries at our Earls Court Office.

To this effect we provide the following free legal surgeries at our Earls Court Office:

Every **Wednesday from 5pm to 7pm**, conducted by Mr Haroon Khan. These sessions are by appointment only. Please call our Earls Court Office on 020 7373 4429 to book an appointment.

In our Earls Court Office every **last Sunday of the month from 1pm to 5pm**, conducted by our Principal Ms Lira Simon Cabatbat. These sessions are on a first come, first served basis and no appointment is necessary. Depending on the demand on the day, we cannot guarantee that you will be seen.

We also offer £60.00 fixed fee initial consultations at all of our offices during normal office hours (Monday to Fridays from 9am to 5pm). These consultations are by appointment only. Please call our Richmond Office on 020 3375 0555 or our Earls Court Office on 020 7373 4429 or our Brentford Office on 020 8560 3888.

General Office Hours: Working Days 09:00 to 17:30
Richmond Office also Saturdays 10:15 to 13:00



How to find us

Richmond - Head Office: Grand Prix House, 102-104 Sheen Road, Richmond, Surrey, TW9 1UF

Tel: 020 3375 0555 Fax: 020 3597 3000

email: info@douglass-simon.com

We can easily be reached by tube, train or bus. The nearest tube station is Richmond on the District Line, which also services National Rail. Take the Church Road Exit to reach our offices in Grand Prix House within minutes. Only yards away from our office are also the bus stops of the 337 and 419 bus routes serving Putney/Wandsworth and Hammersmith respectively. Going from Richmond towards Sheen exit at the bus stop Church Road. Going towards Richmond from Sheen, exit at the bus stop Kings Road or Church Road.

Earls Court - London Office: 2 Kenway Road, Earls Court, London, SW5 ORR

Tel: 020 7373 4429 Fax: 020 7370 6738

email: info@douglass-simon.com

We are located within 100 yards of Earls Court tube station.

Brentford - Founding Office: 60 High Street, Brentford, Middlesex, TW8 0AH

Tel: 020 8560 3888 Fax: 020 8569 7888

email: info@douglass-simon.com

We are conveniently located next to the Brentford County Court.



What Judges say...

“The representations went on to weave a rich tapestry of argument, ranging from Aristotle to Lord Mersey, to the effect that there was space for the application to succeed within the broad conception of family and private life notwithstanding the difficulties it faced under Appendix FM... Very extensive supporting evidence was supplied with the application.”

Immigration Judge M Symes in the First-tier Tribunal on 3rd January 2014 in allowing an Appeal which involved consideration of Paragraph EX.1 of Appendix FM, Human Rights and other discretionary factors.

**On grounds of appeal submitted in relation to Articles 8, 6 and 12 of the ECHR;
“It is the most learned pleading I have ever seen....it is a very serious document.”**

Immigration Judge Blake in the First-tier Tribunal in May 2011

“...ingenious argument...”

Designated First-tier Tribunal Judge Manuell – 22/05/2012 (In relation to a legal argument presented to the Tribunal on a point of construction)