

RightFocus

Focussing on Legal Issues important to You

2008 – Our 20th Anniversary Year

Although we can trace our origins back to 1780 we have been trading in our present form, as Toller Beattie, only since 1988 which makes this our 20th year!

We shall be marking the anniversary with a number of events during the year including charity runs and sponsorships.

The world has changed enormously in these last twenty years, in many different dimensions. The advances in technology have given the world of business computers on our desks, the Internet, emails, laptops, Blackberries and mobile phones.

We have more than kept pace with these developments, both in our own usage of the technology and with the new legal regulations and rules which have developed alongside (though sometimes lagging) the developing technologies.

We have just re-launched our own website to incorporate new information and more topical items including:

- Two new Newsletters
- A 'News and Events' page
- Dates and venues for our regular Employment and Property Clubs
- Commercial Alerts
- and other topical items

2008 threatens to be a difficult year for businesses and consumers alike. We will be here to help you cope with the challenges it may bring.

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Checklist helps protect your personal data

A national survey by the Information Commissioner's Office (ICO) into how we look after the security of our personal information has revealed that eight out of 10 people are taking more care following a number of high profile 'losses' of confidential data.

According to the survey, 88% of people have starting checking their bank statements more regularly and 85% are refusing to give out personal details wherever possible.

A glaring exception to this trend is among the so-called 'Facebook' generation, the subject of another recent ICO survey, who choose to put a great deal of personal information into their online profiles – including date of birth, job title and, in some cases, full postal address.

According to ICO deputy commissioner David Smith, "As more and more personal information is collected, the risk grows that some will end up in the wrong hands."

He urged people to take greater control over the way in which their personal information is used. "I encourage everyone to check how organisations are storing their personal details. You can use your rights under the Data Protection Act to ensure your data is being properly looked after."

The ICO has published a checklist of data protection rights to help people ask such organisations the right questions (visit www.ico.gov.uk).

Your rights under the DPA

- An organisation should tell you what it is going to do with your information before you provide any details unless this is obvious

- Your information should only be used for the reason it was collected in the first place (unless you give your consent to your information being used in other ways)
- An organisation should not collect any information which is unnecessary. You only need to provide the basic information which is required to deliver the service required
- Your information should be kept accurate and up to date – if you ask any organisation to make changes to your details, it should do this
- An organisation should not keep your details if they are no longer needed
- An organisation must provide you with copies of all information held about you - if you ask. You can also ask an organisation to stop using your personal information if it is causing you damage or distress or if you wish to stop it being used for marketing purposes
- An organisation must keep your personal information secure at all times
- An organisation should not transfer your personal details to another country or third party unless adequate data protection arrangements are in place.

Anyone who wishes to understand more fully their rights and obligations under the Data Protection Act should contact a solicitor.



Understand the flexible working rules

For some years, employers have needed to respond seriously to requests for flexible working from employees who are parents or guardians of children aged under six – or under 18, if the child is disabled.

More recently, this right to request greater flexibility has been extended to people who care for adult relatives, to adopters, to foster carers and to those with parental responsibility for a child following a Court Order.

Any employee who makes such a request must have worked for their employer continuously for 26 weeks or more. Provided this is the case, the employer is only able to refuse a request if there is a clear business reason for doing so.

There is often much to consider for both parties. The term 'flexible working' covers many different scenarios, from part-time and job-sharing, to compressed hours (where the employee works the same number of hours over fewer days) and annualised hours, where the hours to be worked are calculated over a full year.

To find out more about your responsibilities and the options open to you, contact an employment law specialist.

Compliance costs less than closure!

The commercial dangers of breaking fire safety rules have been highlighted in Blackpool, where the Lancashire Fire and Rescue Service has closed 32 business premises since new legislation came into force in late 2006.

During the same period, 379 properties have been issued with enforcement notices in the town, highlighting faults which must be rectified.

These figures highlight the importance of abiding by fire safety regulations, quite apart from the dangers involved in not doing so. In the vast majority of cases, compliance costs far less than closure or disruption to business and trade.

To find out everything you need to know about fire regulations, visit www.communities.gov.uk/fire/firesafety/.

Dismissed for being too young

We have all heard about businesses discriminating against the older members of their workforce. In the first case of its kind, however, a young woman has recently been awarded over £16,000 against her former employer who dismissed her because of her lack of years.

Leanne Wilkinson was just 18 when she was dismissed by a Newcastle upon Tyne-based engineering company from her position as an administrative assistant. The business said it needed an older person with more experience.

She took her employer to an employment tribunal under the Age Discrimination Regulations protecting young people that came into force in the autumn of 2006. The tribunal found that her age was the cause for the dismissal, saying that she had been the victim of a 'stereotypical assumption that capability equals experience and experience equals older age'.

If you have any concerns about the implications of age discrimination for your business, seek the advice of an employment law specialist.





HMRC targets rental income

HM Revenue & Customs (HMRC) is writing to the accountants of buy-to-let landlords to clarify if tax is due on any undeclared rental income.

While a spokesman for HMRC has said “We are not planning a tax crackdown or to otherwise target landlords”, it is advisable that anyone who receives such a letter should take it seriously.

If you do owe tax, letting HMRC know as quickly as possible will ensure that any penalties are minimised.

New rule simplifies business sales

HM Revenue and Customs (HMRC) has introduced an important change to the tax rules governing the sale of a business as a going concern.

In the past, the vendor was obliged to transfer the business records to the purchaser, which often caused problems when the vendor later needed access to them, such as when a past tax issue comes to light.

Now, the vendor is only required to give the purchaser the information they need to comply with VAT obligations. While this has potentially simplified life for vendors, the tax implications of a business sale remain complex. If you need advice on this area, you are advised to speak to a tax specialist.

IIP found wanting for minority groups

The effectiveness of the nationally recognised Investors in People (IIP) standard in providing people from minority groups with the work-based training they need has been called into question in a research report from the Nottingham University Business School.

The report drew on data from close to 15,000 individuals, 46% of whom were in IIP-accredited organisations. It showed that accreditation had failed to improve training levels for many groups, including women, people from ethnic minorities, temporary and fixed-term employees, older workers and people with disabilities.

According to the report’s author, Professor Kim Hoque, the findings fly in the face of Government efforts to encourage equal opportunities in the workplace through an employee development ‘indicator’ that businesses with IIP are required to complete. According to the research, large numbers of businesses are failing to do so.

“It does raise questions as to how organisations are able to secure recognition despite failing to adhere to one of IIP’s key requirements,” the Professor comments.

In addition, the study found no evidence of increased training in IIP-registered businesses for workers classified as ‘routine unskilled’, meaning that the standard may be contributing little to the Government drive to increase the proportion of adult workers qualified to NVQ Level 2.

Properly implemented IIP can provide businesses with an important framework for planning and delivering their employee development programmes. It can also help them meet their responsibilities for ensuring equal opportunities in every aspect of their organisation, including training.

Visit www.investorsinpeople.co.uk if you need to find out more about your responsibilities in this area.





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Get the perfect credit rating

The fall out from the so-called credit crunch has started to impact on the availability of personal credit either as mortgages, credit cards or personal loans.

With many lenders tightening their lending criteria it makes sense to ensure that your credit rating is as healthy as possible.

Ensure your credit report is accurate

Three UK credit reference agencies, Equifax, Experian and Callcredit, hold information on your history, which they provide on request to any company to which you apply for credit.

You can get hold of this information for just £2. Check it carefully to ensure it is up to date and accurate. If any details are incorrect take steps to correct them.

Regularly checking your credit reports can also help protect you from the threat of identity theft. Follow up any unusual or unexpected entries immediately.

Get on the electoral roll

The credit reference agencies automatically receive electoral roll information. If you are not registered, they may assume you do not exist or have no credit record. If you are not listed contact your Local Authority and request that your name is added.

Close accounts and facilities you don't need

The government is keen for banks and other lenders to ensure their customers can handle the amount of credit they are given. If it appears that you have a great deal of credit available to you, either through overdrafts or credit card accounts, they are more likely to reject a new application. So make sure you close any old or un-used credit accounts.

Pay off arrears as soon as you are aware of them

Missed payment in the past is the single most important cause of credit rejection or punitive interest rates. If there are any glitches on your record, ensure that they are settled and that a 'notice of correction' is visible on your account to explain any extenuating circumstances.

These are the key 'rules' of a good credit rating. You can boost your rating further with other actions, including paying off existing credit commitments ahead of schedule, and ensuring that settled accounts show on your credit record.

Silence is golden!

Research by the Halifax has revealed that Buckinghamshire is the UK's best county for quality of life, thanks to the health and wealth of its people, the quality of education and even its sunnier than average weather.

But a rival survey by Savills estate agents has pinpointed Britain's most desirable village as Cerne Abbas in Dorset – yes, the village with THAT carving in the hillside.

The beauty of the village's buildings and countryside, its schools, pubs and other facilities were all taken into account.

One of the most important factors in its victory, however, was something it doesn't have. Cerne Abbas has little or no reception on most mobile phone networks, making it a perfect place to escape the clamour of ring tones.

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