

Rightfocus

Focussing on legal issues important to you

Combating Britain's number one security concern

The latest edition of the regular Unisys Security Index, which since 2007 has tracked trends in people's attitudes to different types of security threat, reveals that banking fraud is Britain's number one concern. It tops the list, ahead of issues like identity theft and even terrorism, with 93% of the survey's UK respondents expressing their worries.

The survey also suggests that as a society we are getting more worried by security concerns in general. Overall, in fact, it shows a significant jump in UK consumer security concerns (up by 42 points to an index score of 154) over the last six months.

In many areas, however, we are not powerless. There are many day-to-day steps that people can take to reduce the chances of becoming a victim of banking fraud. These include carrying cash or even using cheques to reduce reliance on electronic transactions. It is also a good idea to set up a second bank account with its own debit card, specifically to use for shopping. By keeping a limited amount of money in this account, you reduce your exposure to risk in the event of a security breach.

This account can also be used for shopping online, which is where the bulk of security fraud takes place today. Web-specific advice includes only shopping at sites offering protection schemes like PayPal or Google Checkout and that display a secure padlock logo. Also try to restrict your

online shopping to well-known websites that give you both a landline phone number and a real address – any displaying a PO Box alone should be avoided.

As well as these specific actions, there are several habits that anybody remotely concerned about bank security should adopt as second nature. First and foremost, do not let anyone else use your debit or credit card – while they are almost certainly honest, their security disciplines may not be as stringent as yours.

Next, always take your receipt following a card transaction and destroy it thoroughly upon disposal. Avoid obvious PINs such as the year of your own or a relative's birth – and make sure you have the contact details of your bank or card supplier to use in the event of loss or theft.

If you believe that you have been a victim of bank card fraud, depending on your circumstances you may wish to consult on your case with our solicitors.

Welcome to the May 2011 issue of Rightfocus, Reynolds Parry Jones' newsletter.

Rightfocus aims to keep both our private and commercial clients up to date with the most important legal developments affecting them.

This issue's articles include:

- Combating Britain's number one security concern
- Ask visitors before you track them!
- The rights of those on maternity leave
- The corporate hospitality industry is safe
- Six years' undercharging leads to back-dated energy bills
- Employment tribunals shake-up on the way
- 250,000 more apprenticeships by 2015
- Big changes to business support
- The threat of property removal

If there are any topics you would like to see covered in future issues then do let us know.

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Ask visitors before you track them!

A major new piece of European legislation which came into force on 25 May requires all UK companies that run websites to obtain the consent of visitors to their site before using tracking technologies such as cookies.

Cookies – files placed by a website on a user's computer to track and remember information such as payment details – are used by practically every commercial and Government website in the UK and Europe.

According to Information Commissioner Christopher Graham, the EU's new ePrivacy Directive has highly significant implications for all website owners, in both the public and the private sectors.

As he says, "We recognise that the Internet as we know it today depends on the widespread use of cookies and there are of course legitimate business reasons for using them. So we are clear that these changes must not have a detrimental impact on consumers or cause an unnecessary burden on UK businesses."

As he adds, however, organisations of all sorts "need to start thinking clearly about how they will meet the requirements of the new directive."

While the Government has stated that no action will be taken in the short term against businesses devising how they will use tracking technologies, if you have any concerns you should discuss your approach with a solicitor to ensure your website complies with the directive.



The rights of those on maternity leave

While it is not legal to dismiss an employee for any reason in connection with maternity, paternity or parental leave, or with birth or pregnancy, it is still possible for an employer to make somebody redundant while they are on statutory maternity leave.

It is particularly important that the employer can clearly justify their position, because in some ways an employee on maternity leave actually has more rights than others.

Not only are all their terms and conditions of employment (apart from pay) fully protected, they also have the right to be offered any alternative suitable job in the business. According to the Government's own information (see www.direct.gov.uk) this is even if other employees might be more suitable for the job in question. In addition, they are entitled to a four-week trial period if offered a new job, which should begin on return from maternity leave.

If they are made redundant, the employer has to provide a written statement explaining their decision. The employee should also receive a normal notice period or, if entitled, pay in lieu of notice and redundancy pay.

If you are unsure of your responsibilities in relation to such an employee, you should certainly seek legal advice from our employment specialists before setting redundancy measures in motion.

The corporate hospitality industry is safe

According to the Government, the new Bribery Act that comes into force on 1 July will neither lead to vast numbers of prosecutions nor virtually 'outlaw' the corporate hospitality industry.

These were two widely held fears in advance of guidance issued by Justice Secretary Kenneth Clarke in the spring, which aimed to allay concerns by emphasising the "commonsense" approach that the Government is taking.

As he said, "This is particularly important for small firms that have limited resources. It should save organisations of all sizes from the fears sometimes aroused by the compliance industry that millions of pounds must be spent on new systems, which no honest business will require."

The Act will make it an offence for businesses to fail to prevent employees from accepting or offering bribes, whether in the UK or abroad. Firms that can demonstrate they have adequate anti-bribery procedures and systems in place will be able to avoid conviction.

Nonetheless, the Bribery Act is an important new piece of legislation, which involves potential penalties of up to 10 years in prison for the most serious offences. Anyone who has doubts about how they and their business stand in relation to the Act should seek the advice of our solicitors.

Six years' undercharging leads to back-dated energy bills

Last year alone, over 1,800 small businesses throughout the UK received shocking demands from their power suppliers after being undercharged for up to six years.

According to Audrey Gallacher, Head of Energy at Consumer Focus, energy suppliers should give small businesses the same protections as they give consumers, who can only be 'back-billed' in this way for a maximum of one year.

As she says, "It's important for businesses to ensure they are paying the right amount, but energy suppliers shouldn't treat small businesses in the same way as they would multi-national corporations. The back-billing code of practice would protect firms from large unexpected bills, and give suppliers the incentive to get billing right first time, every time.

"Getting a bill for thousands of pounds out of the blue is a nightmare scenario for any small business, especially in these difficult times. With suppliers able to go back six years, supplier mistakes can add up to big debts that could potentially cripple some firms."

If you receive an unexpected bill from any source that you believe to be wrong or unfair, you may wish to challenge it. If you have any doubts about how to go about doing so, you may find the advice of our solicitors helpful in ensuring that you take the most effective route.

Employment Tribunal shake-up is on the way

The Government is undertaking a comprehensive review of employment legislation across the UK. Part of this is designed to improve the efficiency and fairness of the Employment Tribunal (ET) system and to encourage the rapid and mutually acceptable settlement of workplace disputes.

A wide range of proposals were included in the recent publication Resolving Workplace Disputes, which came under public scrutiny during a consultation period which closed in late April.

Some of these involved fairly major changes to the current system, including proposals to:

- penalise employers financially who are found to have infringed an individual's rights
- enable ETs to deal with insubstantial cases in a way that does not expose employers to costs that are out of proportion with the complaint
- increase from one to two years the qualifying period during which an employee can bring a claim for unfair dismissal
- require all claims to be lodged initially with Acas, so that some form of conciliation can be offered and attempted before progressing to an ET
- improve efficiency by allowing a single Employment Judge to sit on a wider range of cases (including unfair dismissal) and not requiring witnesses to read their own statements.

Ask one of our solicitors if you require a further update on the review outcomes.

250,000 more apprenticeships by 2015

One significant outcome for small businesses of the spring Budget was the announcement by Chancellor George Osborne of an additional £180 million to help generate jobs among the key 18 to 24 year-old age group, in which currently more than one in five is without work.

The scheme's focus is on increasing the number of businesses that offer apprenticeships to provide on-the-job training for young people that leads to full-time employment.

According to the Chancellor, this boost should help deliver 250,000 more apprenticeships by 2015 than enabled by earlier plans, and therefore help to address skills shortages in the UK workforce – particularly in high-value areas like engineering.

Specifically, the Government hopes to increase the proportion of businesses running the scheme from the current level of just one in 10 to be closer to countries like Austria, Germany and Switzerland where around 25% do so.

Employers who are keen to explore how to identify and recruit one or more apprentices should contact the relevant body that manages apprenticeships in their country. These are the National Apprenticeship Service, which funds and co-ordinates the delivery of all apprenticeships throughout England. Skills Development Scotland supports apprenticeships in Scotland, while the Welsh Assembly Government supports apprenticeships in Wales. In Northern Ireland they are supported by the Department for Employment and Learning.



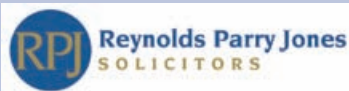
Reynolds Parry Jones

Reynolds Parry Jones is a long-established quality firm, founded in the nineteenth century. It is a general practice offering a full range of legal services to the whole community.

Whether providing advice on corporate or commercial issues to organisations or advice on making a will or selling a house to individuals, we guarantee our clients an efficient and competent service that is good value for money.

LawNet

As a member of LawNet, the UK's pre-eminent group of law firms, Reynolds Parry Jones are ISO accredited and offer our clients services of the highest quality. Being part of a nationwide network of specialist solicitors offers us access to a range of expertise usually only found in the largest, most expensive firms.



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Big changes for business support

The Government announced earlier this year that the regional Business Link service, which provides small firms with free face-to-face business support, is to close by the end of November.

A number of Government services will fill the vacuum it leaves, including the following element outlined in a publication from the Department of Business, Innovation and Skills, 'Helping small firms start, grow and prosper' (available at: <http://www.bis.gov.uk/>):

- a national business support website
- a national contact centre
- a national start-up service
- business coaching for growth
- a national mentoring network
- entrepreneurial support for women, black and minority ethnic groups and service personnel.

Of these, a number of elements are self-explanatory, and some – including the national website – are expected to retain the Business Link brand. The national mentoring network will comprise 40,000 experienced businesspeople who are happy to give their time for nothing to new and growing businesses. Full information will be available in due course via the Department of Business, Innovation and Skills website (www.biz.gov.uk).

The other major change in local service provision will come when newly formed Local Enterprise Partnerships, which will include private sector organisations in local and regional decision-making, take up some of the responsibilities of the Regional Development Agencies. Again, keep an eye on the BIS website for updates.

Threat of property removal

Many people earlier this year received a letter from HM Revenue & Customs (HMRC) that used the threat of removing and auctioning their property to encourage them to pay overdue taxes.

Anybody who was unduly worried on receiving this letter should first of all appreciate that it was part of a mass-mailing to many thousands, possibly millions, of recipients that did not target them personally.

More important, they should also understand that even HMRC does not have the right to enter their homes and remove their property without a legal warrant. In fact, as several commentators have pointed out, a private debt collection agency that gave the impression of having the right to do so would rapidly be hauled up in front of the Office of Fair Trading.

Of course, we are all obliged by law to pay our taxes on time. Anyone who feels they are being treated unfairly, however, would do well to seek professional advice – from an accountant if they are worried that they might owe more than they believe or from a solicitor if they are worried about the legal implications of their position.

