

# LEGAL VOICE

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**STAFF NURSE ASSAULTED AT WORK**

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**LIFE SENTENCES FOR KILLER DRIVERS**

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**PROTECTING YOUR CHILD WITH A WILL**

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# Hello

## Welcome to the latest issue of Legal Voice

Without doubt, these are very challenging times we find ourselves in. We are doing everything possible to ensure the safety of our clients and staff and our staff are working within ever changing government guidance, striving to continue to provide the high standard of service you are entitled to expect.

The majority of staff continue to work from home much of the time, with just a day or two each week in the office so that we can keep numbers around the office to a minimum and maintain distancing, but they have adapted well to new ways of working and continue to work efficiently.

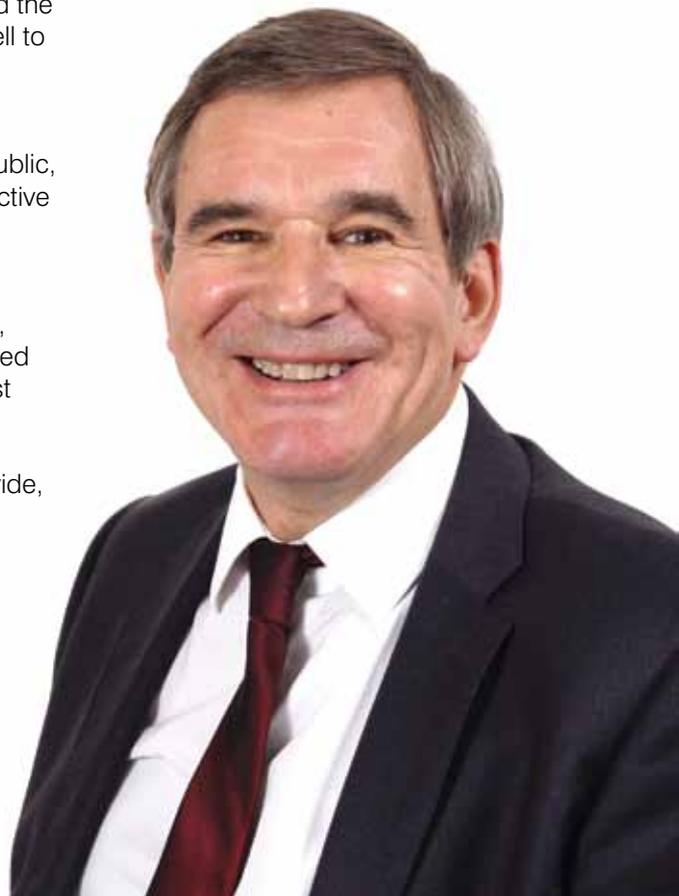
In this issue we look at the recent accreditations some of our specialist lawyers have received. These accreditations act as kite marks for the public, offering the reassurance that you are dealing with experts in their respective fields.

Also, in this issue, we look at two specialist solicitors who have recently joined our firm. By ensuring that we continue to recruit high calibre staff, we hope to offer further reassurance that your legal matter will be handled by someone with the knowledge, skills and expertise to achieve the best outcome for you.

If you would like further information on any of the legal services we provide, please do contact us by phone or email. I hope you enjoy reading this issue. Best wishes



Don Bird  
Senior Partner



# Accreditations



Bob Allen, John McQuater and Christopher Noble

## The Times Best 200 Law Firms 2021

Atherton Godfrey will appear in the 2021 guide, which will be the 3rd consecutive year that the firm has been included.

Atherton Godfrey is the only Doncaster based law firm to feature in the guide and is one of only a few in the South Yorkshire region.



## Legal 500

The firm's clinical negligence and personal injury departments are both Legal 500 recommended. John McQuater is also recognised as a Leading Individual. Chambers and Partners UK

We are very pleased to announce that John McQuater has been re-accredited as a member of the Law Society Clinical Negligence scheme.

This accreditation is a recognised quality standard and acts as reassurance for anyone looking for a clinical negligence expert to represent them.

The accreditation is only awarded to those who have significant experience in handling a wide range of cases including complex and high value cases.

The firm is in the enviable position of having 3 of these experts on hand – Christopher Noble and Bob Allen also hold the accreditation.

John McQuater, Christopher Noble and Bob Allen are recommended by Chambers and Partners for clinical negligence. John McQuater is also recommended for personal injury.

## Professional Negligence Support

John McQuater is an accredited Professional Negligence Lawyer. He is able to offer support to clients who have suffered loss through the negligence of a professional person, such as an accountant, barrister, constructor, solicitor, or insurance broker.

# Property

## Property development specialist joins firm



Property development specialist, Lois McCartan has joined Atherton Godfrey.

Lois has significant experience across all aspects of property development, including POS/management agreements and transfer, site set ups and section agreements.

Sarah Naylor, partner and head of commercial and property, commented on the

appointment: "We are delighted to welcome Lois to the firm. Lois brings a wealth of experience that will really complement the work of our property development team.

"There is a huge amount of investment right across the Yorkshire and Humber region; Lois joins us at a particularly exciting time in the sector."

Since qualifying, Lois has worked in property development and has spent the past several years working with a transatlantic law firm servicing corporate, individual and non-profit clients throughout the UK and USA.

Lois said: "This is an exciting move for me. I was at a point where I felt it was time to broaden my experience. From there it was really a case of looking for a firm that had both a significant presence in the South Yorkshire area but also felt like somewhere I could be part of a team and help grow the business.

"It was clear from the first conversation with Sarah and Gareth Giles, who manages the property development team, that Atherton Godfrey would tick both of those boxes."



# Personal Injury

## Staff nurse assaulted at work

The sterling work of our health care professionals has been brought into sharp focus throughout the coronavirus pandemic. Time after time we have heard medical staff say: "I was only doing my job" or "it's part of my job".

What definitely isn't part of their job is being assaulted by the residents or patients they are caring for.

In a recent incident, a staff nurse working on a mental health ward suffered injuries to her face, neck, shoulder, back, arm and hip when she was attacked by one of the patients.

The nurse held her employers responsible for her injuries as she was not properly protected whilst carrying out her job, despite there being an appropriate risk assessment in place.

Liability was admitted and an out of court settlement agreed.

If you have been assaulted at work by a resident or patient, you may be eligible to pursue a personal injury claim for compensation. For a no obligation chat about your options, call and speak to our team on 01302 320621.

## Case Study

Lorry driver left with post-traumatic stress disorder  
An HGV driver who was sleeping in his lorry was left traumatised after a speeding drink driver left the road and hit the side of his lorry, wedging his car underneath. The impact was so severe that it jolted the lorry driver, shaking him around his cab like a rag doll.

As the car burst into flames, the terrified lorry driver had to scramble to get out of his cab. The whole experience left the lorry driver extremely shaken and suffering neck injuries. He was left out of pocket through not being able to work due to his injuries and racking up travel expenses for medical visits and prescriptions.

Our personal injury team recovered six figure compensation to help the lorry driver get his life back on track.

## Uninsured drivers

Uninsured drivers are a real problem throughout the country. South Yorkshire police report that they are seizing 10 cars a day for having no insurance. They have already seized almost 3,000 so far this year.

According to the police, each year 130 people are killed and almost 26,000 are seriously injured on the UK's roads by uninsured drivers – that's one casualty every 20 minutes.

Sgt Bruce Yacomeni, commented: "Uninsured drivers are more likely to cause death on the roads which brings huge devastation to the families and loved ones."

If you or a loved one are injured in a road traffic accident, it will be the offender's insurance company that we pursue for compensation.

However, if the driver is uninsured or cannot be traced, we can generally recover compensation for you through the Motor Insurance Bureau (MIB).

## Life sentences for killer drivers

Laws that bring in life terms for killer drivers will finally be introduced next year, after the government pledged tougher sentences. Causing death by speeding, driving while under the influence of drink or drugs, using a mobile phone or racing, will carry a maximum life sentence instead of the current 14 years.

The new law is part of major sentencing reforms announced by Robert Buckland, justice secretary. He said: "This government has been clear that punishments must fit the crime but too often families tell us this isn't the case with killer drivers."

Tragically, it was the death of a little girl that finally forced the legal shake up.

The parents of 4-year old Violet-Grace Youens have been the driving force behind the change in the law. Their daughter, Grace was killed in 2017 by Aidan McAteer who was driving a stolen car at 83 mph. Although McAteer was sentenced to the maximum 14 years, he could be released next year because he entered an early guilty plea.

# Family

## No fault divorce finally approved

Family lawyers have welcomed a major change to divorce law as no fault divorce passed its final hurdle.

After decades of campaigning by divorce lawyers, the Divorce, Dissolution and Separation Bill has finally been passed by Parliament.

The new law will bring about the end of the blame game and will come as a welcome relief to some of the 100,000 couples that divorce in the UK each year.

Richard Johnson, divorce lawyer at Atherton Godfrey, commented: "As a divorce lawyer, it's my role to help couples navigate the divorce process and achieve a fair outcome. The no-fault concept will minimise opportunities for conflict, reduce the emotional cost of separation and minimise the impact on any children the couple have.

"However, we will need to wait a while longer. It is likely to be towards the end of 2021 or even early 2022 before couples in England and Wales can realistically take advantage of the no-fault route."




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## Home is not a place of safety for everyone

As we are encouraged to stay at home and stay safe, we are seeing a world-wide increase in domestic violence incidents. For these people, home is definitely not a place of safety.

Shocking figures released by the Office of National Statistics showed that domestic abuse killings rose by 160% during the UK's first three-week lockdown period; 16 women lost their life at the hands of their partner.

Stacey Powney, family lawyer commented: "It's important for victims to know that even during these exceptionally difficult times, legal support is still available, and if necessary, lawyers can quickly obtain orders to protect them and their children."

## Practical support

Women's Aid has offered reassurance that all their services are running normally, despite the current situation.

Their website has a host of information, including tips on preparing to flee the home with children.  
<https://www.womensaid.org.uk/>

## Legal support

For confidential support and guidance from highly experienced family lawyers call 01302 320621 during office hours or email [family@athertongodfrey.co.uk](mailto:family@athertongodfrey.co.uk)

## National information and support services:

National Domestic Abuse Helpline (24 hrs) - 0808 200 247  
[www.nationaldomesticviolencehelpline.org.uk](http://www.nationaldomesticviolencehelpline.org.uk)

Galop – advice for LGBT+ victims of domestic abuse -  
 0800 999 5428 [www.galop.org.uk/domesticabuse](http://www.galop.org.uk/domesticabuse)

Mankind – support for male victims of domestic abuse -  
 0182 333 4244 [www.mankind.org.uk](http://www.mankind.org.uk)

## Divorce and pension - are you missing out?

According to the Office of National Statistics more than 100,000 women over the age of 60 divorced between 1998 and 2018.

These women could be missing out on significant sums of money in state pension rights.

The majority of the women involved would have reached state pension age before 6 April 2016 and so came under the 'old' state pension system which made significant provision for divorced women.

If they divorced after pension-age they can benefit from a pension uplift, providing they notify Department of Works and Pensions that they have divorced.

Under the old state pension system, a married woman was able to use her husband's full National Insurance record instead of her own, up to the date of their divorce when working out her basic state pension entitlement.

This could result in a significant uplift, perhaps running into thousands of pounds over the period of time.

### **Do you qualify?**

If you were 60 or over on 6 April 2016, had not remarried and did not substitute your husband's NI record, you should contact the DWP without delay and ask for a pensions review.



Richard Johnson, divorce lawyer at Atherton Godfrey, commented, "Assessing pension rights is a crucial part of the divorce process and something we always address fully with our clients, regardless of age. Unfortunately, many women have missed out on this very important piece of advice."

If you are considering divorce, make sure you get professional legal advice before you commit yourself to anything. You can call and speak to our team on 01302 32621, in total confidence and without obligation.



## Children law solicitor joins firm

Kim Parker-Gray recently joined the firm's family law department. Kim, who specialises in children law, qualified as a solicitor in 1993 after studying for her law degree part-time in the evenings, while working in the law courts as a Legal Adviser.

Kim gained extensive experience in children law and family work, working in the family courts.

Kim is qualified in training and development and has been a local and regional trainer for the judiciary, lawyers and staff. She has also lectured in law on various course at local colleges.

# Wills & Probate

## Protect your children with a will

Adapting to the busy life of a parent isn't easy and settling into a routine takes a little time, even if you're not new to parenting.

With so much to consider you may not have even thought about making a will, but it is an important responsibility that you have to your child. So set a little time aside to plan for your child's future in the event that you are not here to care for them.

There are many areas for you to consider, including potential guardians, the terms of any inheritance and arrangements for any children with special needs, stepchildren or foster children.

Once you are happy with all your decisions, one of our professionals will help you to put everything together so that your plan for your child's future is secure.

## Reviewing your will

Things change and sometimes even the best laid plans come unstuck. If there is a major change in your life make sure this is reflected by updating your will.

In any event, you should review your will every 5 years or so to check that it still meets your needs. This will also give you the chance to reassess your original choices and make sure that the people you nominated are still suitable for the roles.

Remember - if you remarry or enter a civil partnership any existing will is automatically revoked, so you will need to write a new one.

### **Need more details?**

If you would like further information, or simply a chat about your options, contact our friendly team on 01302 320621.





# Employment

## Redundancy and settlement agreements: what you need to know

If you are being made redundant and have been offered a settlement agreement here's some things you need to know:

Firstly, get legal advice straight away - your employer will usually pay for this.

You do not have to accept the settlement agreement – it is a voluntary contract

Neither do you have to accept the terms proposed in the agreement - these can be negotiated

Above all, you must not sign the agreement before you have taken legal advice and are happy with the terms.

An experienced employment solicitor will be able to:

- Offer prompt and expert advice, tailored to your particular circumstances
- Explain the terms of your settlement agreement, what it means to you and what your options are
- Negotiate with your employer, making sure that the terms are in your best interests
- Review the amount of compensation you are offered if necessary

If you would like more information or just want a confidential, no obligation chat about your options, we are happy to help - please call 01302 320621



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