



## Small Firms Legal News Update

Provided by Westlaw UK ([www.westlaw.co.uk](http://www.westlaw.co.uk)), a product of Thomson Reuters Sweet & Maxwell

08 March 2013

### Cases

#### Employment

##### **Jennings v Barts and the London NHS Trust. 2013 WL 425644**

Employment Appeal Tribunal (EAT)

Judge Hand QC; A Harris; I Ezekiel 5 February 2013

In a claim of disability discrimination, an employee did not have to establish that his employer had failed to comply with some identified reasonable adjustment; he only had to raise, for the tribunal's consideration, the reasonable adjustments he considered should have been made. A subsequent application of a correct label to a mental condition was simply giving the same condition a different name; it was not diagnosing a condition for the first time.

Appeal dismissed, cross-appeal dismissed.

### Legislation

#### Legal Advice and Funding

##### **The Civil Legal Aid (Remuneration) Regulations 2013**

**SI 2013/422**

The Stationery Office

These Regulations make provision about the payment by the Lord Chancellor to persons who provide civil legal services under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

[Read the full text here](#)

**In Force:** 1 April 2013

Made under Legal Aid, Sentencing and Punishment of Offenders Act 2012 s.2(3), s.5(2)(4), s.41(1)(2)(3)

### Regulatory Developments

#### Family Law

##### **The price of separation: Divorce related legal complaints and their causes**

The content for this legal update has been provided by Westlaw UK which is a product of Thomson Reuters Sweet & Maxwell. If you are a current subscriber then you can simply log in to the service to find the full text documents of the above. If you are not a subscriber to Westlaw UK but would like to find out more, please contact [customer.service@westlaw.co.uk](mailto:customer.service@westlaw.co.uk), ring 0800 028 2200 or visit [www.westlaw.co.uk](http://www.westlaw.co.uk).



## Small Firms Legal News Update

Issued by Legal Ombudsman, 28 February 2013

A Legal Ombudsman report examines why divorce leads to higher levels of dissatisfaction and more complaints than other areas of legal service. Inter alia, it considers: what lawyers and consumers can do to avoid finding themselves in disputes about the service that has been provided; and how both parties can protect themselves against deepening the distress of relationship breakdown with a subsequent dispute between lawyer and customer.

[Read the full text here](#)

### News

#### Family Law

##### **Prosecutors ordered to crack down on sex abuse**

Times, March 6, 2013, 1, 7

By Frances Gibb. Also Reported in Daily Telegraph, March 6, 2013, 14

On March 6, 2013, the Director of Public Prosecutions Keir Starmer will set out a national policy on child sex abuse. Prosecutors and the police will be encouraged to look beyond the traditional test of an alleged victim's credibility and to consider all the surrounding circumstances. Mr Starmer will renew all existing guidance and dedicated rape and serious sexual offences units will be set up in every Crown Prosecution Service branch in England and Wales.

### Further Reading

#### Civil Procedure

##### **Civil way**

*N.L.J.* 2013, 163(7550), 233-234

By Stephen Gold

Discusses the implementation of the Jackson reforms through the provisions of the Civil Procedure (Amendment) Rules 2013, in particular: (1) reduced disclosure requirements for multi-track cases, excluding personal injury claims, and changes to case management conference procedures; (2) costs budgeting requirements on all multi-track cases, noting interim court exclusions; (3) increases to the small claims track limit; (4) estimates of costs for expert witnesses; (5) circumstances in which relief can be sought; and (6) the proportionality of costs.

Legislation referred: Civil Procedure (Amendment) Rules 2013 (SI 2013/262) r.5

#### Employment

The content for this legal update has been provided by Westlaw UK which is a product of Thomson Reuters Sweet & Maxwell. If you are a current subscriber then you can simply log in to the service to find the full text documents of the above. If you are not a subscriber to Westlaw UK but would like to find out more, please contact [customer.service@westlaw.co.uk](mailto:customer.service@westlaw.co.uk), ring 0800 028 2200 or visit [www.westlaw.co.uk](http://www.westlaw.co.uk).



## Small Firms Legal News Update

**Secret talks: Government misguided over new "protected conversation" rules**

*S.J. 2013, 157(9), 10-11*

By Stephen Levinson

Criticises the proposals for employers to have "protected conversations" with employees about possible termination of employment, which will be inadmissible if there is a unfair dismissal claim, and for a lower cap on unfair dismissal compensation. Reports on to what extent the Government has changed the original proposals after consultation. Looks at circumstances in which protected conversations will nevertheless be admissible, including discrimination, wrongful dismissal or alleged improper conduct in negotiation.

Legislation referred: Enterprise and Regulatory Reform Bill 2012