



## NEW IRISH OFFICE



We are delighted to announce the opening of our new Irish office, which will trade as BBi Ireland. This is an exciting development for BBi. The Irish management team bring a wealth experience and skills that will add value to the overall service the BBi Group can offer its clients.

The office is located in Cavan, which is situated approximately one hour from both Belfast and Dublin. The full address is:

**7 Town Hall Place,  
Town Hall Street, Cavan.**

The branch is headed by Anthony Forde and Dessie Smith. Both Anthony and Dessie have held senior positions with one of the largest insurers in Ireland. The branch has had an excellent start and has already placed business for some substantial clients in the Irish market.

BBi Ireland will provide a full range of insurance and risk management services for Northern Ireland and Republic of Ireland businesses as well as reverse flow business for companies with headquarters outside their jurisdiction.

Feel free to contact them direct, or make contact via your usual UK client manager if you need assistance in Ireland.

### Local contact details are:

**Tel: +353 49 4331038**  
**Email: [dessie.smith@bbiireland.ie](mailto:dessie.smith@bbiireland.ie)**  
**[anthony.forde@bbiireland.ie](mailto:anthony.forde@bbiireland.ie)**  
**[www.bbiireland.ie](http://www.bbiireland.ie)**

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## ABU DHABI NEWS

The Abu Dhabi branch trades as Berns Brett Masood (BBM) and has just completed its 4th year. From Abu Dhabi we can service the GCC and wider MENA region for both insurance and risk management services.

The branch is headed by Vedanta Baruah and Sam Carter. It is one of the leading insurance brokers in Abu Dhabi and has recently been shortlisted for the Commercial Lines Broker of the Year in the 2012 MENA Insurance Awards.

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Feel free to contact them direct, or make contact via your usual UK client manager if you need assistance in these territories.



## HR NEWS



### PARENTAL LEAVE TO BE EXTENDED BY FOUR MONTHS FROM MARCH 2012

The new EU Council directive is expected to come in from 8 March 2012 and will extend rights to parental leave from three to four months for each parent.

It covers all workers, regardless of the type of their contract and includes fixed-term, part-time and temporary agency workers. It will also protect workers from discrimination for taking time off. To encourage fathers to take parental leave, at least one of the four months will not be transferable between parents.

### CHANGES TO STATUTORY RATES AND TERMINATION PAYMENTS

From 1 February 2012, the statutory redundancy pay rate will increase from £400 per week to £430 per week.

This is also for calculating basic or additional compensation for unfair dismissal. The maximum compensatory award in case of an unfair dismissal claim will increase from £68,400 to £72,300. And the guarantee pay rate will increase from £22.20 to £23.50 per day.

From April 2012, statutory sick pay will increase from £81.60 to £85.85. The Statutory pay in case of maternity, paternity or adoption will increase from £128.73 to £135.45 at the same time.

### CHANGES TO CRIMINAL RECORDS CHECKS AND VETTING AND BARRING SERVICE – FROM EARLY 2012

There are proposals to revise the existing scheme to ensure fair and proportionate regulation of those who want to work with vulnerable groups

The proposed changes include merging Criminal Records Bureau and the Independent Safeguarding Authority, restrict checks to roles which work most closely and regularly with children and vulnerable adults, etc. The changes are expected to become law in early 2012.

Subject to parliamentary approval, the Protection of Freedoms Bill is expected to become law by early 2012.

### TRIBUNAL FEES

From April 2013 a fee will be charged for anyone bringing a tribunal claim.

A consultation will be carried out to decide the exact amounts of the fees and the payment arrangements. There may be an initial fee of £250 charged for lodging a claim, and a further £1000 if the case proceeds to a hearing. However, if the claimant succeeds in his or her claim, the amount will be refunded.

### PENSIONS

We have been updating on the changes to pensions in our previous newsletters.

From 2012, employees aged between 22 and State retirement age, who are earning more than £5000 a year and are not currently enrolled in a workplace pension scheme will be automatically enrolled in a workplace pension scheme provided by the employer. For small businesses they have until April 2014 to provide pension scheme access to their employees. Additional time has now been given, so small employers will now be required to start enrolling their staff in May 2015.

### UNFAIR DISMISSAL CLAIMS

From 6 April 2012, the qualifying period of employment required for unfair dismissal claims will be two years.

This is currently one year, though there is no minimum qualifying period in case of discrimination claims. The increased period will apply in respect of employees dismissed on or after 6 April 2012.

### PROPOSAL TO SIMPLIFY COMPROMISE AGREEMENTS

In an attempt to make things easier for employers to be able to have open conversations with their staff, a formal consultation about the possibility of simplifying compromise agreements is to be launched. This was announced in November 2011.

## INTERNSHIPS – PAID OR UNPAID?

**In Vetta v London Dream Motion Pictures 2009, it was held that even though an individual is taken on to fill a position on an “expenses only” basis, under the National Minimum Wage Act 1998 and the Working time Regulations Act 1998, the individual could be defined as a worker and hence entitled to be paid minimum wage and holiday pay.**

There is no such thing as an “Internship” under employment law. National Minimum Wage rules state that if an individual will be undertaking ‘work’, then he/she is entitled to be paid the NMW, though some exceptions apply (for example, students doing work experience as part of a course will not be required to be paid other than expenses).

Further, in certain situations an intern could be looked at as a volunteer, essentially meaning that he/she is under no obligation to do the work, there is no contract, no expectation to be paid (other than expenses incurred). In such instances an employer may not be required to pay anything other than expenses to the individual.

## IMPORTANCE OF NOTICE FOR HOLIDAY IN CASE OF SICK EMPLOYEES

**In Fraser v Southwest London St George’s Mental Health Trust, it was held that the employee must give the required notice to be paid holiday pay or else lose entitlement.**

However, employers have an implied obligation to inform an employee on sickness absence of his / her entitlement to take holidays as was established in Scally v Southern Health and Social Service Board (1991).

## SEX DISCRIMINATION

**In Dunn v The Institute Of Cemetery And Crematorium Management (2011), it was held that the employer treated the employee less favourably due to the fact that she was married to someone perceived as a “troublemaker”.**

The Employment Appeal Tribunal held that the Respondent had treated the Claimant less favourably because of her marriage to Mr. Dunn, and that she had been regarded as an “adjunct” to Mr. Dunn. The Claimant’s appeal was upheld and the case highlights that marriage-based discrimination includes not just less favourable treatment due to an employee being married but more specifically to whom the employee is married to.

## BRIBERY ACT CONVICTION

**The first conviction under the Bribery Act 2010 which came into force in July 2011 was secured in November 2011 when an individual was prosecuted for accepting bribes from approximately 53 road traffic offenders, who paid him in order to avoid their fines, penalty points and driving disqualifications.**

This highlights the importance of putting in place ‘adequate procedures’ to mitigate a company’s risks against acts of bribery. It is also a reminder that bribery at any level in a company will be construed very seriously by the UK courts. Senior office holders can also be prosecuted if it can be established that the act of bribery took place with their consent or knowledge or due to their neglect.

## HEALTH & SAFETY – COST RECOVERY

**Businesses may now be charged if they are in “material breach of the law”. How will this work and how might it affect you?**

The Health & Safety Executive plans to start charging businesses that aren’t doing what is legally required of them. It looks like this will come into force in April 2012.

In the past, if you were found to be non-compliant with the law, you could expect an enforcement notice or a letter from an inspector, both stating that you had to take action to rectify the situation. If you did what was required, that would be the end of the matter.

Now inspectors will still serve notices but in addition, the guilty party will receive a bill to cover their time. It is estimated they will charge £133 per hour. The bill will continue to grow until the inspector is satisfied that the breach has been rectified.

Previously, businesses would only be fined or incur costs if the company was prosecuted. This now changes everything and the new system will mean that businesses could end up with a significant bill even if the breach isn’t worthy of a prosecution.

So those companies who are compliant don’t need to worry. However, the HSE is intent on recovering £40 million from those businesses that its inspectors visit, this will put added pressure on them to charge a fee, even if the company concerned is only guilty of minor breaches.

### TOP TIP

If you know that your site will be inspected, make sure that you rectify anything obvious that may be picked up by an inspector. This will keep the time he’s on site to a minimum.

Over the last couple of years the number of cases reaching Tribunal has hugely increased, it is thought to be by more than 50%. Many of you may have experienced this for yourselves, the increases being driven by disputes about equal pay, unfair dismissal, age, sex, race and disability discrimination.

With this being high on the agenda, we are able to offer our clients with not only hands on consultancy but also, an insured/legal expenses cover of up to £75,000 per claim.

For further information please contact Michelle Brinklow at BBi Alternative Solutions:

**Tel:** 020 8559 2111  
**Email:** mbrinklow@alternative-solutions.org.uk



**Berns Brett**

Insurance Brokers · Risk Managers · Independent Financial Advisers



# BEAT THE FREEZE

## TOP TIPS FOR MINIMISING RISKS THIS WINTER

**Last year was Britain's coldest winter for 31 years. So far this year the winter has been very mild but we don't want you to get caught out so here are a few tips to help protect you from the ravages of winter.**

Last winter saw homes across the UK suffer significant damage, hundreds of thousands of claims and hundreds of millions of pounds of damage, caused by water escaping inside the home. Freezing temperatures can mean freezing pipes and an ensuing flood should they burst.

### FROZEN PIPES

When water pipes freeze and then thaw they can often burst. Thousands' of pounds worth of flood damage is caused this way each year, but you can easily reduce the risk by following these simple steps:

- Have your boiler and heating system serviced regularly, and check that the thermostat is working correctly
- Ensure water pipes and water tanks are insulated properly. Pipes in roof spaces and other vulnerable areas should be lagged or similarly protected
- Know where your stopcock that turns off the incoming water supply is, and make sure that it works
- If the building is to be unoccupied over weekends or for extended breaks, make sure that it is kept as warm as possible.
- If the building will be unused over a long period, it may be worth draining your cold water system

A range of safety devices and detection systems are also available. These are designed to detect leaks and excessive water flow, and will either send out a warning alarm, automatically turn off the water supply, or alert a designated person to enable them to act quickly to mitigate any damage.

#### What to do if you discover a frozen pipe...

- Turn off the stopcock
- Remove any furniture or items from the area which may get damaged, for instance as a result of a collapsed ceiling
- Open the tap closest to the area and begin gently warming the pipe with a hairdryer working away from the tap
- Remember a leak from a pipe that has been damaged by freezing only becomes apparent when the pipe begins to thaw
- Keep a phone number of a reliable plumber to hand

#### What do I do if my pipes burst?

If this happens turn off the water supply at the stopcock immediately, and switch off the central heating system to avoid any further damage. If you think your electrics may have been affected by escaping water, switch off all appliances and call in a professional electrician.

Remember most policies will cover the cost of the damage caused by the water but check yours to see if it covers the cost of 'tracing' the source of the leak, which may be buried in a concrete floor or underneath your new oak flooring. Please contact us here at BBi Horsham to discuss your needs and let us arrange a policy that will protect your home this winter.

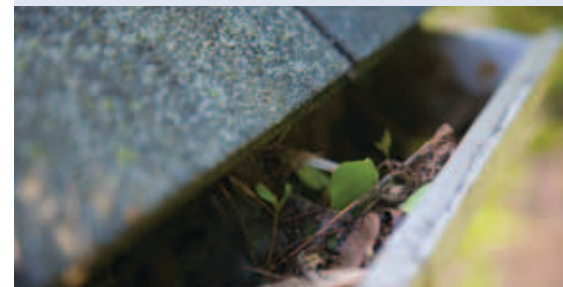


### DAMAGED ROOFS

**Harsh winds may loosen or blow away slates and tiles, allowing water to pass into the roof space.**

Rather than waiting for the problem to get worse, it is much cheaper to call in a professional straight away to replace any loose or missing slates. If water gets through to the roof timbers, the damage can be very expensive to fix.

Snow is a particular hazard for flat roofs. The weight of deep snow can put the roof under immense pressure, and may eventually cause it to cave in. But, you can reduce this risk by removing snow after heavy storms.



### BLOCKED DRAINS

**Fallen leaves and other debris can block drainpipes, gutters and gullies so that they are unable to carry rainwater away efficiently.**

Trapped rainwater inside a drainpipe may freeze and cause the pipe to crack or shatter. The water that accumulates around blocked gutters on the ground may flood pathways and, in some cases, enter buildings where it will cause further damage.

Again, these problems can be simply avoided. Carry out regular checks and ensure that any source of blockage is cleared. If you are unsure how to tell whether or not a downpipe is blocked, look for signs of soil being washed away at ground level or splashes of soil at the base of walls, as both are indications that water is not being caught in the gutter.

## SLIPS, TRIPS & FALLS

**Slips, trips and falls are the most common cause of injury at work, and also account for over half of all reported injuries to members of the public.**

Accidents increase in the winter months for a number of reasons. There is less daylight, fallen leaves on paths hide hazards and become wet and slippery, and ice and snow make access routes even more treacherous.

You have a duty of care to ensure the safety of anyone using or visiting your premises, and should take actions that are 'reasonable in the circumstances' to achieve this.

These actions can include:

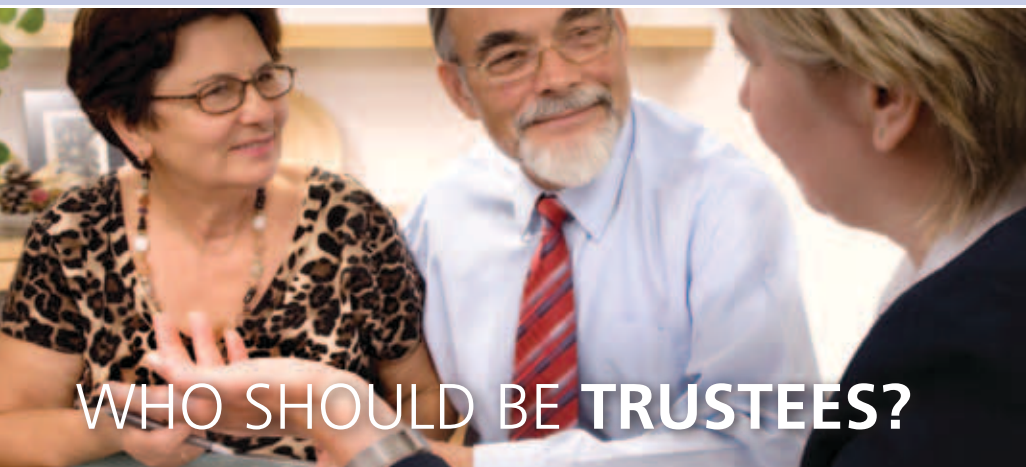
- Ensuring that main entry and exit routes are kept free of anything that may cause a person to slip, and taking preventative measures such as clearing and gritting paths
- Looking at how well your pathways are lit. Will employees or visitors be able to see and avoid any hazards on the ground? If the answer is no, it may be worth improving or installing additional lighting
- Putting a procedure in place for removing leaves at regular intervals. You might even consider removing the offending bushes and trees altogether

Additionally, many slip accidents happen at building entrances because people entering the property walk through rainwater. Fitting canopies of a good size, in the right position, over building entrances will help to reduce this risk.



**If you do need to make a claim please call us on 020 8559 2111**

This advice is provided to you as best practice guidance from BBi Berns Brett Ltd. Please check your policy document for details of any further conditions specific to your policy.



## WHO SHOULD BE TRUSTEES?

**To discuss the full potential uses of Trusts is the subject of later articles; the object of this article is to point out the advantages of using a Corporate Trustee and protector relationship rather than have individuals acting as Trustees personally, particularly if they are potential beneficiaries.**

### THE QUALITY OF THE PERSON

The choice of trustee will always be important but where the funds involved are substantial or the family circumstances complex, the choice of who will serve as trustee of your personal trust will be even more so.

You could appoint a family member or close friend to take on the responsibility of managing your trust fund. You will obviously need to have faith in the person you ask to act as trustee and that person will need to have the necessary judgment,

skills, perspective and time to perform their duties adequately.

Clearly, not every individual will have these qualities and if, as sometimes happens, the individual is also a beneficiary under the trust, they may not have the necessary objectivity to carry out those duties appropriately.

If you appoint a family member or close friend as your trustee and that person dies after your death, any remaining trustees could appoint someone you do not even know to manage your trust fund. Appointing a professional, corporate trustee could solve all these potential problems.

Having appointed a Corporate Trustee, you can also appoint a trusted individual to act as protector, whose function will be to watch the Trustees and ensure they follow your wishes.

**Let us know if you wish to discuss this further.**

## ARE YOU READY FOR COMPULSORY WORKPLACE PENSIONS?

**Things you may want to consider...**

Every employer in the land will be faced with at some point the onerous task of auto-enrolment, for larger employers it will take effect this year. Even if you have a pension scheme in place at present, it will be extremely likely that you will have to make some changes.

You may be wondering some of the following:

- What is an eligible worker?
- What is an entitled worker?
- What action would make my scheme non-qualifying?
- What information do I need to supply to workers and when?
- What is opting in and opting out, when does it happen?
- What are the consequences if I get it wrong?

These are just a few things you may be considering, however your duties are far more complex. You may not even have given any thought to them at all, but you will most certainly need to.

Don't delay and contact BBi where we can help you start planning for this now, it may be easier than you think..

## ISA'S - TAX EFFICIENT SAVINGS

**Individual Savings Accounts (ISA's) give you an allowance to save, which if not used will be lost.**

You will have a tax-free wrapper for your investment. As the government offers all adults a tax-free ISA allowance each tax year, it really does make sense to put an ISA at the top of your savings options to make full use of that allowance, save on tax and increase your returns.

There are two types of ISA available to you:

- Cash ISA which is similar to a normal savings account but you don't have to pay tax on any interest earned
- Stocks and Shares ISA where your money is invested in the stock market. Again there is no tax on any increase in the value of your ISA, but as the value of your investment can rise and fall in line with the performance of the market, you should view a Stocks and Shares ISA as more of a medium to longer term investment to allow stock market movements to even themselves out.

If you already have an ISA which you have not reviewed for some time it may not be performing as well as it should. At Berns Brett, we are able to assess your existing plan or plans and recommend changes if appropriate.

Investment limits for new money into ISA's in tax year 2011/12 are:

**Cash ISA: up to £5,340**  
**Stocks and Shares ISA: balance up to £10,680**

You cannot backdate unused allowances from previous tax years, so we would urge you to act now before the end of the tax year.

Also, don't forget the **Junior ISA's: annual investment limit of £3600pa.**

A Junior ISA (Junior Individual Savings Account) is the perfect way to save a little nest egg to use when your child has grown up and is ready to go to university / college, buy their first car or even help them to purchase their first home.

With a Child ISA the funds are locked in and cannot be withdrawn by the child until they reach adulthood (18 years old).

Past performance is not necessarily a guide for future performance and the value of your investment may fall as well as rise, and any income received in the form of dividends may fluctuate. You may not get back the full amount when the account is closed. If paying regular monthly contributions please bear in mind that if contributions are not maintained you will be less likely to achieve the investment amount that was originally projected.



**If you would like further information, please contact Trevor Poulter at [trevor.poulter@bernsbrettlife.com](mailto:trevor.poulter@bernsbrettlife.com)**

## EXCLUSIVE EVENT: EMPLOYEE BENEFITS – THE JARGON FREE WAY

BBi are delighted to be hosting an intimate lunch for a limited number of people on the 19th April at the offices of Brewin Dolphin, Smithfields, London. This is specifically for the Social Housing sector and would be of interest to Finance Directors in particular. Guest speakers will discuss the funding issues of final salary pensions and auto enrolment

in the pension's arena. Employee benefits will be the main focus of the day. Hear how BBi can help you with your employee benefits solutions.

**(Please contact Sarah Herd on 020 8559 2111 or 07930 490319 to book your place.)**

We look forward to seeing you over one of the events!

## CONFERENCE TIMETABLE

BBi will be exhibiting at the following:

20th-21st February;  
**Housing Federation "Leaders" Forum and Exhibition 2012 (London)**

21st-22nd March;  
**Nation Housing Federation's Housing and Finance Conference and Exhibition 2012 (Warwick)**