



# For Life Plus

FOCUS ON GRANDPARENTS AND THEIR GRANDCHILDREN  
NEWS AND ADVICE FROM BIRKETT LONG

## the rights of grandparents



As far as family law is concerned, under the Children Act 1989, grandparents are grouped into the category of “any other person”. As a result, where arrangements about the care of a grandchild cannot be agreed, grandparents must apply to the court for leave, essentially asking for permission, to bring an application in relation to the child. A court will consider a number of factors, including the grandparent’s relationship with the child and the risk of disruption to the child’s life that court proceedings may have. There have been calls for this hurdle to be removed but, to date, it remains in place.

The role of a grandparent in any one child’s life can vary enormously, from living with the child full time, to contact once a year or no contact whatsoever (although this can also be the case for parents, that would be less common). For that reason, I believe it would be wrong to afford them the same status as parents and remove the need to seek permission before bringing an application. I believe that the role of a grandparent in a child’s life is often vital. The hope is, by having this requirement of applying for leave, only genuine applications by grandparents who play a positive and active role in a child’s life are heard.

This serves to increase awareness of grandparents’ rights and the positive role they can play in a child’s life. The current family justice system focuses on the best interests of the child, and rightly so. The best interests of a child can only be met, however, where all parties involved understand their own rights, the rights of others and, most importantly, the child’s right to have a relationship with their extended family.

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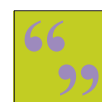
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## school's out for summer



You're browsing through a holiday brochure, deciding where to go for that hard-earned break. The kids will have finished their exams for the year, and it would be good to spend some time together. Where could you take them for that treat? The Lake District perhaps, or Centre Parks, or how about Spain? You then look at the prices and your heart sinks. How can the cost of a holiday double at the end of July, just at the only time you and your family are free?

This is a familiar situation in which many readers will have found themselves. 'Out of school' holiday costs make it easy to understand why so many parents and grandparents are tempted to take holidays during term time. However, it is not as easy as that!

Schools used to be able to allow pupils up to ten days' term-time absence during the course of an academic year, but this is no longer the case and the change has caught out many parents and grandparents.

The new regulations mean that there are now very limited reasons as to why a pupil can be absent from school and parents must seek the school's authorisation in advance before taking children out of school. The school can authorise absences where there are "exceptional circumstances" but holidays, visiting relatives, birthdays and routine appointments are not regarded as "exceptional circumstances". This can make matters difficult for parents and grandparents who want to minimise holiday costs, but the law now ties the hands of schools in this respect.

Given that the school leaving age has gone up and will be going up again, those in further education will be caught by the new rules as well.

If, on investigation, the reason for any absence has not been provided to the school or the reason that has been given is not sufficient and does not fall within the new regulations, the pupil's absence will be marked as unauthorised in the register and the school may have to inform the Education Welfare Officer. This can lead to fines and other penalties for the parent, so what you thought was going to be a cheap holiday can turn out to be a very expensive one after all!

Not only does this create financial pressure on parents and grandparents, but it can also put strain on working arrangements. It may be difficult to take your holidays at the same time as others who have children, especially if you work in a small business or a team with other parents. Although in some sectors workloads may lessen over the school holidays, this is certainly not the case for all. As much as employers might like to be able to allow their staff to take holidays when they wish, this is simply not possible; many employees do not realise that their employers have the right to decide when they can and cannot take their holidays. Such matters should be treated carefully by businesses, but informal arrangements between staff can help greatly, such as taking turns to book time off over school holidays, and employees should be encouraged to discuss holidays between them before booking.

Some have advocated a case for staggered school holidays to help to ease this situation. But given that children are often at different schools to their siblings and that the majority of parents need to work, I can think of many more day to day problems that might arise from such a change.



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# ISA changes

## it's all change for ISA rules and investment limits

On 19 March 2014 in the Government's 2014 Budget the Chancellor, George Osborne, surprised the Financial Services industry by announcing major changes to the Individual Savings Account (ISA) rules. It was announced that ISAs would be reformed into a simpler product called New ISAs (NISA) which have been designed to clarify the options available to savers and investors wanting to take advantage of tax efficient savings.

Historically, Individual Savings Accounts allowances have increased in line with inflation with a total amount of £11,520 being available to be invested in the 2013/2014 tax year and, initially, £11,880 in the 2014/2015 tax year. From 1 July 2014 the NISA limit will be £15,000, which is the biggest ever increase to ISA limits.

In addition, there is now greater flexibility with the new plans. Savers have the option to save the whole of the NISA allowance in cash or in stocks and shares, or as a combination of the two. For example:

- £5,000 to a Cash NISA and £10,000 to a Stocks & Shares NISA
- £10,000 to a Cash NISA and £5,000 to a Stocks & Shares NISA

However, it should still be noted that you are only able to open one cash NISA and one stocks and shares NISA each tax year.

In addition, the rules on transferring ISAs have been relaxed. Historically, you have only been able to transfer a cash ISA to another cash ISA, a stocks and shares ISA to another stocks and shares ISA or a cash ISA to a stocks and shares ISA. Going forward, you will also be able to transfer stocks and shares to a cash ISA should you wish.

The changes announced in the 2014 Budget have again highlighted the importance of seeking independent financial advice when considering how to utilise your ISA/NISA allowances. Returns for cash ISAs are still poor when compared to inflation, especially when looking at accounts offered by the main high street bank/building societies. However, there are alternative plans available. Remember too that advice should always be sought before you action your stocks and shares savings.



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## Special Guardianship Orders

If you look after a child who is related to you or you wish to obtain parental responsibility for a child in your care, it may be appropriate to apply to the court for a Special Guardianship Order. A Special Guardianship Order is a court order which appoints one or more individuals to be a child's 'special guardian(s)'. The effect of a Special Guardianship Order is that while it is in force, a special guardian has parental responsibility for the child. This parental responsibility can be exercised by the special guardian to override everyone else who has parental responsibility.

Special Guardianship Orders are usually used where a child is to retain a relationship with other family members, such as parents, but where the child is to be brought up by a relative or friend other than a parent, for example a grandparent, aunt or uncle. There are a number of categories of individuals who can automatically apply to the court for this type of order. Otherwise an application for permission to make an application to the court is necessary before you can give your Local Authority notice of your intention to make an application. You must give your Local Authority three months' notice of your intention to make an application to a court. This can be done by writing a simple letter to Social

Should you wish to discuss the New ISAs in more detail please contact Paul Chilver.

Paul holds the Diploma for Financial Advisors and is a member of the Institute of Financial Services. He also holds the Certificate in Long Term Care Insurance.



## in a nutshell...

The 'old' ISAs have been reformed into one simple product called a New Individual Savings Account, or a NISA.

You can invest up to £15,000 per tax year in a NISA, using your whole allowance as cash or stocks and shares, or any combination of the two.

Remember, you can change an existing stocks and shares ISA to a cash ISA.

Services. Social Services will then prepare a report for the court looking at your suitability to become a special guardian for the child. Once the assessment has been concluded you will be able to make the application for a Special Guardianship Order to the court. The matter will then be determined by the court, who will decide at a subsequent hearing what order to make in accordance with the best interests of the child.

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## behind every good law firm there's a great admin team

We continue the feature on our admin team, which commenced in the winter issue of For Business Plus.

The administration team is made up of receptionists, administration assistants, a wills and deeds administrator and float secretaries, together with the quality manager and quality executive. The team ensures that clients are looked after from first point of contact and throughout their time with the firm. They also look after wills and deeds and provide general administration assistance around the offices. There are a number of float secretaries who travel between our three offices to provide back-up secretarial assistance. The quality manager and quality executive are responsible for ensuring that the firm continues to comply with its Lexcel and ISO accreditations by way of internal audit, file review and training of new staff. (Helen Pettican, Team Leader)



**Gaye Eason**  
Wills & Deeds  
Administrator

“ I have overall responsibility for all the deeds and wills at Birkett Long. I also look after our health-check campaigns.”



**Claire Carey**  
Secretary

“ My main role is as a float secretary and I work across all three offices. I am responsible for booking our external training courses and I'm part of the internal audit team.”



**Corinne Dardis**  
Secretary

“ I am a float secretary based in the Colchester office and cover teams across the firm.”



**Emma Purkiss**  
Admin Assistant

“ No day is the same and I love it. I can be on reception one minute meeting and greeting clients and the next I'm in the post room franking and delivering mail.”



**Heidi Rampton**  
Secretary

“ I work as a float secretary. My days are full of variety, working alongside all the different departments within the firm.”



**Emily Gowers**  
Secretary

“ I am a float secretary at the Basildon office and I help across all teams to help get the work done. My favourite part of my job is getting people's lists down to zero!”



**Carole Smith**  
Admin Assistant

“ My role as an admin assistant is very varied but my main task is to support the team and cover for reception staff as needed.”



**Charlotte Adams**  
Admin Assistant

“ I am an administration assistant. I don't have a favourite part of my job as I enjoy all my responsibilities equally.”



**Suzanne Revett**  
Receptionist

“ I am the first point of contact for Birkett Long - "the voice" taking almost 200 calls a day for the three offices.”



# grandparents' gifts

It is not uncommon for grandparents to set money aside for their grandchildren and we are often asked: 'What is the best way to do this?'



There are many ways and you should take advice to see what suits you best, but one way is to use a Junior ISA. A sum of £3,840 (current tax year) can be paid into a Junior ISA and there are neither capital gains tax nor further tax on any income. Interest on cash held in a Junior ISA is paid gross and no withdrawals are permitted until the child reaches 18, when their Junior ISA is automatically converted into an adult ISA. It is then they are entitled to have full access to their investments and savings, which can help with the cost of university or perhaps provide a deposit for a house.

Any payments to a Junior ISA will be a gift and will usually be counted as part of your estate, and therefore potentially subject to inheritance tax, should you die within seven years of giving the gift.

There are exceptions to this rule; the first exception is the annual exemption allowance, which allows a person to give away up to £3,000 in any one tax year and this amount will not be subject to inheritance tax. If you don't use this allowance in a year, you can carry it forward for one tax year only.

If you have already made a gift of your annual exemption, then the second exception may be of use: the small gift exemption allows you to make a gift of £250 without inheritance tax implications. However, it cannot be given to the same person that received the annual exemption.

Finally, if you have income which you do not spend on an annual basis you may be able to make gifts from this surplus income. This exemption is called 'gifts from normal expenditure out of income' (a bit of a mouthful!) and provided that the gift formed part of your normal expenditure, was made out of your income, and leaves you with enough income to maintain your normal standard of living, there will be no inheritance tax implications and the seven year survival rule does not apply. In addition, you can still make the annual exemption gift.

For example, if you have net income of £40,000 per year and your usual annual expenditure each year is £30,000, there is a surplus of £10,000 each year. You can give some or all of this entire surplus away on an annual basis to your children or grandchildren without inheritance tax implications. This is a very useful exemption, but one on which the Government is clamping down, and so it is really important that you take advice in order to get it right.

The above is just a summary and other conditions and restrictions may apply, so please give us a call and we can guide you through the investment and legal process from start to finish.

Claire Read specialises in inheritance tax mitigation work, trusts, wills and probate. She is a member of the Society of Trust and Estate Practitioners.



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## in conversation with Philip and Lorraine George from the Rob George Foundation



Our charity of the year for 2014 is The Rob George Foundation. Back in 2012, our staff chose to support Leukaemia and Lymphoma Research, inspired by and in support of Rob's personal battle. Rob died in December 2013 in St Helena Hospice at the age of 21, and his family have established a charitable trust - The Rob George Foundation - in his memory.

Learn more about the Foundation in this interview with Rob's parents, Lorraine and Philip George, shown in the photo left, together with Rob.

# the BL interview

### Can you tell us about Rob?

Rob was studying geography and management at Loughborough University and had just completed his first year when he was first diagnosed with acute myeloid leukaemia in June 2011. He spent several months in and out of Addenbrookes Hospital in Cambridge, and having achieved full remission, was able to return to Loughborough in October 2012. He completed a second very successful year of study, but learned exactly two years after his initial diagnosis that the leukaemia had returned. Further chemotherapy followed, and Rob was due to have a stem cell transplant, but the disease returned once more before the treatment could begin and nothing more could be done for him.

Rob was a talented sportsman. He particularly excelled at cricket, and had just broken into the Colchester & East Essex 1st XI at the time of his last illness. He was due to be Chairman of the Loughborough University Students' Cricket Club, and had just been elected a full playing member of the MCC. Rob was also an active member of the Colchester Golf Club, where he played off a handicap of five, and had represented Colchester Rugby Club and Colchester Hockey Club.

Rob coped with the challenge of facing the end of his life as he did the leukaemia - with calmness and bravery. He never complained and acted throughout with impeccable dignity, caring not for himself but for his family and friends. The way he handled himself in times of adversity was a testament to his character and an example to us all. As one of Rob's friends said in a letter: "I really believe that Robert has not only enhanced the lives of all those fortunate enough to have known him but he has also set a marker of how to deal with adversity with such unbelievable courage and fortitude. Hopefully we can all take a little of that huge strength into our own lives. Robert is an inspiration and hopefully he will be a role model to many." It was just this inspiration which challenged us to create the Rob George Foundation in his memory.

Rob was aware of our intention to set up the charitable trust. His simple brief for the Foundation was:

1. To try to make a difference to the lives of others, as Rob had hoped his life would have done; and
2. To make sure every event or activity organised was something Rob would have enjoyed attending himself!

### So who is the Foundation hoping to help?

The objects of the Foundation are to assist young people who fall in one or other of the following categories:

- 1) Those with life-threatening or terminal illnesses who need practical and/or financial support.
- 2) Those who demonstrate exceptional commitment and/or ability in the worlds of sport or the performing arts but may be held back by their financial situation from pursuing their goals.

### What made you set these objectives?

The first objective arose because of Rob's own experiences during the period of two and a half years or so during which he was ill. Throughout this period, Rob was a student, and had no tangible income of his own. He found the process of seeking financial support completely frustrating and demoralising, and he would undoubtedly have suffered real hardship if we had not been able to support him financially and help him battle with the system.

The second objective mirrors the love which Rob and all his family have in sport and the performing arts.

Over the past ten years Birkett Long has raised or donated over £200,000 to various charities and organisations and we look forward to seeing the number rise!



Find out more about the work of The Rob George Foundation, and upcoming events at [www.therobgeorgefoundation.org](http://www.therobgeorgefoundation.org)

# Birkett Long in the community

Our role in the community remains important to us. We continue to support charities and organisations local to our three offices.

## COLCHESTER INSTITUTE

We sponsored a group of photography students from Colchester Institute, which allowed them to enter a prestigious photography exhibition in London. As a result of our support, 7 third and final year BA photography students were able to showcase their work at the Free Range Art and Design Show, which took place in Brick Lane, London.

## 2016 HOPEFULS

In Basildon, we have continued to sponsor athlete Gemma Kersey for the second year running. The financial support given to the middle distance runner Gemma goes towards training and travel costs. In May, Gemma won silver at the British University Championships 1500m. Recognising the power of sport to inspire achievement, the firm began sponsoring Colchester born 400m runner Louis Persent. Louis narrowly missed out on the 2012 Olympics due to injury but he is now in rehabilitation and working harder than ever before.

## MORE HOSPICE SUPPORT

Already supporting the Colchester hospice St. Helena and the Farleigh Hospice in Chelmsford, we extended our support to St. Luke's Hospice in Basildon, having opened our office there in 2011. As well as offering the legal and financial expertise of the firm to St. Luke's, we also sponsor their annual 5km Summer Run at Lake Meadows in Billericay, and are members of the Corporate Partnership Scheme.

## THE BIRKETT LONG CONCERT

In 2014 we will be sponsoring the whole of Chelmsford Cathedral Choral Foundation's Centenary Appeal. This will be the fourth year we have been involved with the Choral Foundation. This year's special appeal marks Chelmsford Cathedral's 100th anniversary and celebrates a century of choral music. Appeal events, including a four-day music festival which took place in May, will raise funds for the Chelmsford Cathedral Choral Foundation.

## CHARITY OF THE YEAR

This year saw the firm vote for The Rob George Foundation to become its Charity of the Year. All offices will be holding fundraising events including cake sales, dress down days, quiz nights and raffles. Last year, we raised over £11,000 for our Charity of the Year, and we hope to give a similar donation to RGF.



Over the past ten years the firm has raised or donated over £200,000 to various charities and organisations and we look forward to seeing this number rise!

More on our work in the community can be found on Twitter @birkettlong, on our website - [www.birkettlong.co.uk/blinthecommunity](http://www.birkettlong.co.uk/blinthecommunity) or on our blog - [www.birkettlong.co.uk/blog](http://www.birkettlong.co.uk/blog).

## home news

### GROWTH FOR BIRKETT LONG

Throughout the year we have announced promotions and taken on new members of staff over various teams, notably Mel Bache who has become a partner and Caroline Dowding, Head of Wills, Trusts and Probate in the Colchester office who has been promoted to an Associate.

Also becoming Associates with effect from 1 June 2014 are Mark Wrinch, a solicitor who works in the rural business team, Joann Kebbell, HR Manager, and Jennie Skingsley, Marketing Manager.

We congratulate all these colleagues on their promotions and wish them future success.

### DIGITAL BUSINESS AWARD



Our marketing team is celebrating after winning gold in the use of social media in business category at the Essex Digital Awards recently. The team has acted a little differently to other law firms by using a more quirky approach and was singled out for this award above many other businesses. Using Twitter and LinkedIn we focus on engagement, striking up conversations, retweeting information for organisations and charities with which we are involved, in order to create a personality. We have licence to add a touch of humour here and there too!

Pictures show: Top - new associates from left to right, Joann Kebbell, Mark Wrinch and Jennie Skingsley. Right - Caroline Dowding, associate, and far right - Mel Bache, partner.



# Events

## Wealth management seminar

A free seminar with expert investment, tax planning and wealth management advice.

## Employment breakfasts

Dates and venues to be confirmed.

Email to register your interest in these seminars.

For details on any of these events visit [www.birkettlong.co.uk/events](http://www.birkettlong.co.uk/events) or call 01206 217334.

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Conveyancing  
Quality



## meet the partners: Tracey Dickens

Tracey heads the firm's commercial and corporate finance team. She is a partner who advises businesses on all aspects of company, partnership and limited liability partnership (LLP) law.

Tracey is a trustee of St Helena Hospice, a former President of Colchester Chamber of Commerce and former Committee member of Women in Business Essex. She is in conversation here with Sarah Watson from Birkett Long's marketing team.

### What type of work do you and your team do?

We advise businesses on their contractual and corporate arrangements. This includes terms of business, shareholder agreements, buying and selling businesses, advice to employers and employees, dealing with company structures and shareholding arrangements etc. The team also has a number of specialist areas including partnerships, charities, banking, intellectual property, franchises and education, to name just a few.

### How many people are in the team?

Nine solicitors ranging from trainee to partner (and including the chairman!) and four secretaries (some job-sharing).

### What's the largest deal you've ever been involved with in monetary value?

We acted for Red7Marine Group Limited and its shareholders on the sale of an interest in the Group to a private equity investor. This was linked with a substantial injection of new capital to enable Red7Marine to acquire additional assets to service its clients in the offshore renewables and oil and gas sectors. The total enterprise value of the transaction was £65 million.

### Is it true that you only deal with large businesses?

Absolutely not - we recognise that Essex is comprised of a wealth of small and medium sized businesses and we advise and assist all such businesses. In fact, we are working on improving our offering for small

businesses by the creation of a small business team, which will focus on what legal assistance small businesses need and how we can provide that cost effectively.

### Corporate law sounds quite glamorous. Is it all business lunches and high powered meetings?

We wish! It's very demanding. Turnaround for work is fast paced and the work is hugely varied requiring us to apply and consider very different legal issues and concepts throughout the day. In everything we do we need to consider the likely risks and provide advice that is commercial and practical. Most work has tight deadlines, in particular transactions, which can result in negotiations going on in to the early hours - I am not sure the pizza brought in during those would be classed as a "business lunch"!

### What's the most unusual matter that you've been involved with?

My most unusual request was to provide terms and conditions for a swingers club! I politely declined the invitation to the opening event.

### You must visit lots of offices. Is there one in particular that you envied?!

We sometimes end up at London law firms for meetings. On one occasion we attended offices that overlooked St Paul's Cathedral - a view that certainly beats the dual carriageway outside my office window!



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