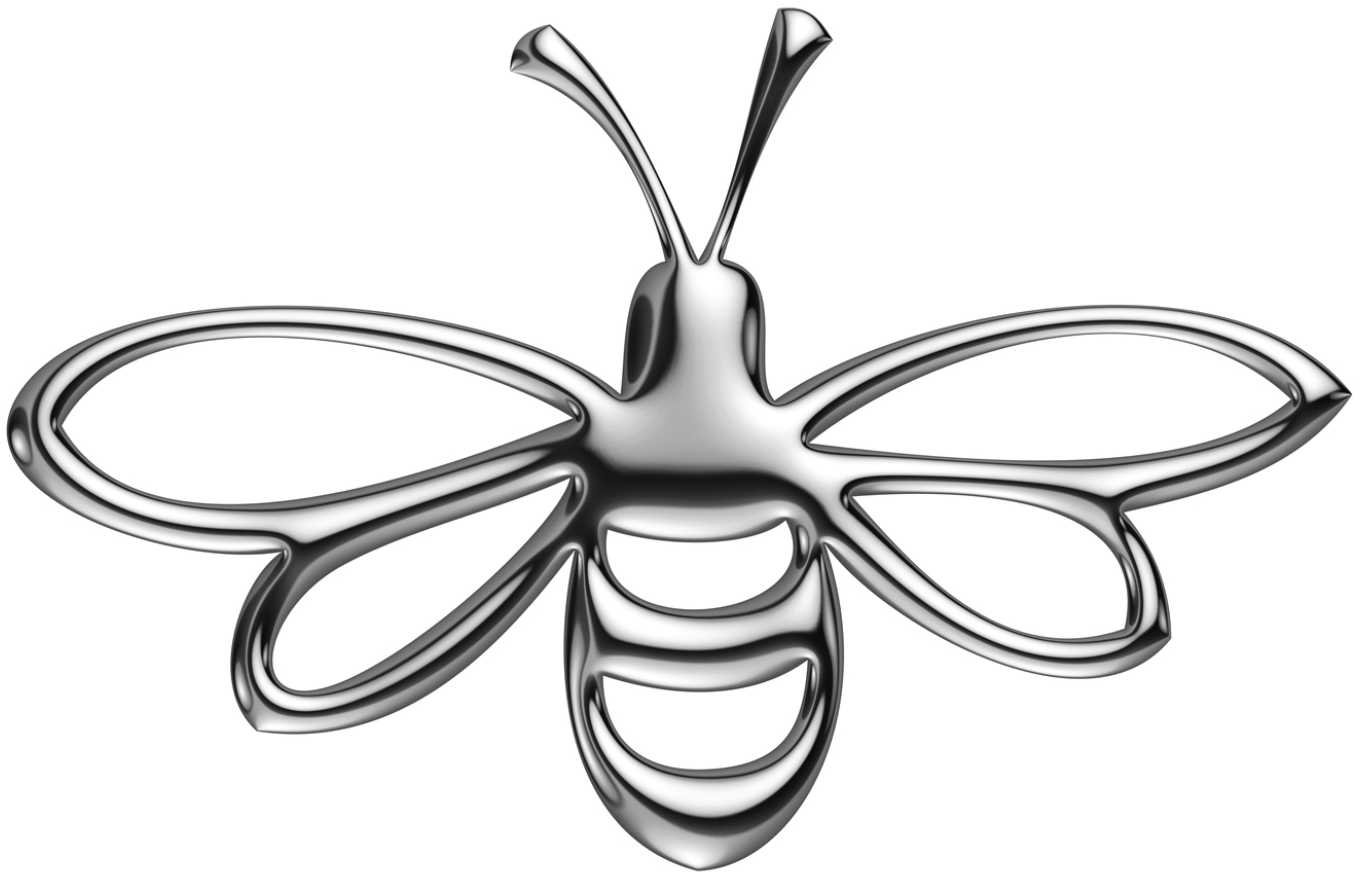


Employment & Employee Relations

Capability Statement



Your people are vital to your business...

People are essential to your business. However, when it comes to employing staff, few things are simple.

To succeed in business you need strategies and easy-to-understand, legally sound policies and practices to deal with the increasing burden of employment law. You need straightforward and effective assistance that is practical and tailored to your business requirements. We appreciate that many situations arising between staff and management need to be dealt with immediately and if the matter goes to court or tribunal, you will want the benefit of experienced litigators.

Get it wrong and it can be expensive; get it right and you will retain and develop your people. In spite of the complex nature of employment rights, Manches' clients receive advice which combines an appreciation of the legislation, concern for the individual and pragmatism.

Here's what some of our clients have said:

"The Manches' employment team gives us first-class commercial advice and follows it up with expert drafting and guidance through the process. Manches' lawyers always start by looking at what we want to achieve and then steer us along the best path to reach it within a legal and commercial framework."

"Manches are consistently professional and pragmatic in all aspects of the work that they undertake, enabling us to make sound commercial decisions that minimise risk and maximise effective outcomes in a time and cost-efficient manner."

"I am delighted with the advice from Manches, they have spent time and effort to get a good understanding of our business and how it works, and therefore provided advice that is succinct, to the point and above all practical, which is exactly what we need."

All our employment lawyers are specialists. Head of Department, Daff Richardson, and Eugene Wojciechowski, who heads up the Employment Team in Reading, are named by independent directories as leading employment lawyers.

What we can do for you

Our team brings a fresh and innovative approach to helping you, whatever your business sector and whether you are a commercial business or a not-for-profit organisation.

We can help with:

- Breach of contract
- Sex/race/disability/religious/sexual orientation/age discrimination
- Restructures
- Agency Workers' Rights
- Business Training
- Termination of employment
- Redundancy
- Compromise agreements
- Defending employment claims

We advise on the full range of employment law issues, and go further by adopting specialisms such as:

- Business immigration
- Collective employment
- Working time
- Corporate restructure
- Data protection
- Discrimination
- Employment status
- TUPE
- Business protection

Where Manches adds real value to you

- Manches is a leading UK law firm offering comprehensive legal services in key industry sectors.
- The firm has a distinguished reputation for delivering an outstanding service and clear, unequivocal advice.
- There are over 170 lawyers in three key locations in the heart of the Thames Valley and London.
- Our existing clients benefit from strong lasting relationships based on understanding and trust, a friendly approach, responsiveness to the task, and the quality and delivery of results.
- You will benefit from our deep understanding of changing political, economic, social and technological environments and the effect these have on businesses and individuals.
- Our lawyers will work for you as a team, matching the right skills to the right task. In each practice area there are specialists who are leaders in their fields, as recognised by the legal media.

...we'll help you keep that edge.

Examples of our approach

Business reorganisation

We provided our client with proactive and practical advice regarding potential redundancies and restructuring. The client has offices in Europe, lending a multi-jurisdictional element to the advice, requiring liaison with European lawyers, and an organised approach to dealing with managers overseas. The client wished to assist the potentially redundant employees, so practical solutions were implemented to avoid redundancies such as secondments and sabbaticals to enable study leave, all of which involved individual consideration and tailored advice. Compulsory redundancies were reduced to just a handful.

We advised an international technology client on the redundancy of its workforce at its UK site, following a decision to cease operations in the UK. We were initially instructed to advise in relation to a proposed management buy out, which would have involved the transfer of all staff to a new employer under TUPE. As the outcome was uncertain, it was necessary to consult employees on possible TUPE transfer and a possible redundancy situation simultaneously. The management buy out aborted at a very late stage, meaning that redundancy consultation had to be completed on a very tight timescale. Our client offered all employees an enhanced redundancy package in return for compromise agreements, each of which required individual negotiation particularly as the workforce included a number of highly skilled, well paid employees.

Dealing with difficult situations

We advised an engineering firm about their obligations to a senior employee who had become disabled. Serious concerns about his performance were raised, following which he disclosed that he had been diagnosed with a degenerative illness. Although medical evidence indicated that his illness should not have affected his performance, the client wished to ensure that the performance management was handled in an appropriate manner. We gave sensitive and pragmatic advice to the client.

We advised a technology client about the performance and attitude of a senior scientist, who seemed not to have made the transition from academia to commercial business, and acted autonomously in the workplace, coming and going at any time she wished. She would not take commercial direction from the company, but wished to work on 'interesting' as opposed to commercially viable projects. Her attitude was causing disruption within the workplace, diverting the attention of managers away from the demands of running the business. Relying on our pragmatic and focused advice, the company took a sensible

approach in dealing with the matter, initially addressing the employee's lack of performance and misconduct and then agreeing a small severance package to conclude the matter swiftly and with minimal disruption.

Disputes

We have successfully defended a full range of Employment Tribunal claims for clients, including claims for unlawful discrimination, unfair dismissal and breach of contract. When appropriate our solicitors have conducted their own advocacy in hearings varying from straightforward case management discussions to complex full hearings.

One notable example is our successful defence of a claim where the claimant, who had insufficient length of service to bring a claim of unfair dismissal, claimed that our client had breached her contract of employment by failing to follow their disciplinary procedure prior to dismissing her. In a preliminary hearing the Employment Tribunal asserted that there may be an implied duty on an employer to follow their policies and procedures, thereby giving them contractual effect, notwithstanding any express term of the policy or employee's contract. At the full hearing we demonstrated that the disciplinary procedure did not have express contractual effect and successfully argued that there was no implied duty to follow the terms of an expressly non-contractual policy or procedure. Whether our client had followed its disciplinary policy or not was irrelevant as there was no contractual duty on them to do so and so the claim failed.

In Employment Tribunals, our clients are often faced with unrepresented ex-employees who adopt a scatter-gun approach. We have successfully used preliminary hearings to attack claimants' cases and to narrow the issues. Intelligent use of ACAS and compromise agreements has prevented many possible hearings for a fraction of the potential financial claim. Also, the success of the Employment Team has not just been limited to winning and settling cases for clients as we have secured costs orders against claimants in cases where claims have been misconceived or brought unreasonably.

Directors

We advised our client in relation to a director who was found, following an internal investigation, fraudulently to have obtained money from his employer. The director was dismissed for gross misconduct. The matter was complicated as the director was a significant shareholder in this small company and our client wished to effect a complete severance of the business relationship. The director appealed against his dismissal and made numerous allegations against our client including unfair dismissal and unlawful deduction of wages. He also threatened a derivative action as a minority shareholder. Pragmatic and practical advice was provided to ensure the matter was settled

to the satisfaction of our client. We also helped the client by identifying HR consultants to assist with the investigation and appeal.

Business Protection

A new client had lost a key employee to a rival organisation and was concerned that client business would follow. Despite very limited contractual protection in the client's documents, we wrote to the ex-employee and his new employer highlighting his obligations and the risks both these parties faced should these be breached, with the result that our clients were able to secure key client relationships. We also drafted new, more effective post-termination restrictions and confidentiality provisions, to give the client more confidence in enforcing their rights in future.

We advised a client in relation to the recruitment of a team of forecasters from a competitor. The team had a variety of restrictive covenants and were all subject to the threat of litigation. We analysed the restrictions and pushed back on those that we could, including working round the most senior employee's restrictions which were not effective in preventing him from carrying on his work. We were involved in carefully drafting correspondence on behalf of our client and the new recruits. Our client achieved its objective of a fully functioning new department without any litigation from the previous employer.

Business Training

We provide training for HR teams and managers on employment law and practice. Popular modules include HR law for managers and recruitment issues. Our training fits the needs of our clients, and we work with you to ensure that it is relevant to the needs of your organisation. Recent examples of bespoke training include training on TUPE for the legal department of a major public transport provider, on the collective consultation process

for managers of a life sciences company which was experiencing a demerger, and training on bullying and harassment for a team where specific issues had been identified with key team members. Our training is effective, interactive, authoritative and fun.

Business Immigration

Many of our clients recruit key staff members from overseas or wish to bring employees from overseas branches of their organisation to the UK. We assist with business immigration issues including advising on obtaining a sponsorship licence, issuing certificates of sponsorship, Tier 1 and Tier 2 applications, and arrangements for students. Our advice includes assisting clients with process and completion of forms, advising on the best route to securing entry clearance for key personnel, and advising on emergency situations where staff members have been refused entry to the UK.

Our clients include:

- Catermasters
- Dematic Limited
- Evotec
- CABI Publishing
- Grundon Waste Management
- Haulotte UK Limited
- Hearing Dogs for Deaf People
- Indicia
- Norbar Torque Tools Limited
- Oxford Bus Company
- Oxford Colleges
- Oxera Consulting Ltd
- Oxford Policy Management
- Research Councils UK
- Sharp Laboratories of Europe
- Travelodge
- Williams FI

"Manches is a well-respected law firm in the Oxford area and has gained some impressive new clients in the technology and scientific research sectors. This employment team is admired by clients for their 'accessibility, knowledge and friendliness.' Daff Richardson is 'passionate about her work, understanding and business-like.'" Chambers and Partners 2009

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For further information please contact Daff Richardson on 01865 813647 or daff.richardson@manches.com or Eugene Wojciechowski on 0118 982 2649 or eugene.wojciechowski@manches.com.

Manches is a leading law firm in Oxford, Reading and London. We advise clients on all areas of business law, including property, corporate, commercial litigation and dispute resolution, employment, intellectual property and technology law.

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