Insight

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*Front cover image:* Supporting arch of the Clyde Arc bridge (aka the Squinty Bridge), Glasgow.
Welcome to our sixth issue of Insight

Insight is designed with you in mind. It is our opportunity to share our insights on value, innovation and efficiency.

In this edition we update you on our merger on 1 May and put the spotlight on Edinburgh St James. We look at the Scottish side of Brexit, as well as the impact on employment from the growth in the gig economy.

I hope you enjoy reading Insight and do let us know what you think at insight@cms-cmck.com

Caryn Penley
Managing Director, Scotland
CMS Noticeboard

CMS in Latin America
CMS has expanded its presence in Latin America with offices in Chile, Peru and Columbia. cms.law

Room to Read®
CMS’s new charity partner
After two years, CMS UK’s charity partnership with War Child has come to an end. We raised over GBP 440,000, making it the most successful partnership to date for both CMS and War Child. Room to Read is our new charity partner. Room to Read seeks to transform the lives of millions of children in developing countries by focusing on literacy and gender equality in education.

Higher Education
Collaborations and Investments in China seminars held in Edinburgh and London in March 2017.

Scottish hotels update
Seminar for the Scottish hotels industry on 18 May at our CMS Edinburgh office. Email: roland.smyth@cms-cmck.com to reserve a place.

CMS launches European M&A Study 2017
The CMS Corporate/M&A Group launched its CMS European M&A Study 2017 on 22 March. cms.law

1WRS, Glasgow
British Council of Offices has shortlisted our Glasgow office for the ‘Fit out of the Workplace Award 2017’.

CMS sponsors DataFest March 2017
Alan Nelson and Duncan Turner spoke at the two day Data Summit which took place during DataFest 2017 on the General Data Protection Regulation.
Innovation Breakfast
with CBI Scotland

In January we explored how Scotland’s Innovation Centres could transform your business. Our speakers were Dr Stuart Fancey, Director of Research and Innovation, Scottish Funding Council, Gillian Docherty, CEO, The Data Lab and Ian Reid, CEO, Censis.

Employment Round-up: Protecting your business

In this year’s Round-up we look at a number of different legal and commercial risks that can affect your business.

17 May – Edinburgh
24 May – Aberdeen
31 May – Glasgow

Register your interest with: dana.macdonald@cms-cmck.com

New client seminar programme 'Insight Seminars for Scotland' launches

View the programme and register at cms.law/spotlightseries

Award season continues for CMS

Chambers rankings in UK
Secured rankings in 85 practice areas overall, with 26 of those in band 1 including new band 1 rankings in Environment (London), Insurance: Financial (London), Litigation (Scotland) and Power (UK-wide).

“Energy Team of the Year” award at The Lawyer Awards

LegalWeek
Best Legal Advisers Report 2015-16

InfraDeals FY16 UK
Our Infrastructure and Project Finance Group secures No1 ranking in InfraDeals FY16 UK league table report.

Innovation Breakfast
with CBI Scotland

In January we explored how Scotland’s Innovation Centres could transform your business. Our speakers were Dr Stuart Fancey, Director of Research and Innovation, Scottish Funding Council, Gillian Docherty, CEO, The Data Lab and Ian Reid, CEO, Censis.
A new legal powerhouse

1 May 2017 will bring a new law firm. CMS will merge with Nabarro LLP and Olswang LLP, creating a new legal powerhouse in the UK and beyond. In 2014, CMS made a major commitment to Scotland by merging with the long-standing leading Scottish firm Dundas & Wilson. This most recent merger further strengthens CMS and its position in Scotland.

The transformational combination of three leading brands creates a modern law firm that blends scale with an exceptional depth of sector expertise to create a firm that is united in its focus on its clients. It is an exciting opportunity for our clients and our people.

Being immersed in your industry sector is at the heart of what we do. CMS, Nabarro and Olswang combined are best in class leaders in the six core sectors of Energy; Financial Services; Infrastructure & Projects; Lifesciences & Healthcare; Real Estate; and Technology, Media & Communications; and have additional strength in a range of other sectors; including Automotive, Consumer & Retail, Hotels & Leisure and Industrials.
We will continue to provide top quality legal advice from our substantial team of lawyers with the benefits of local knowledge and market insight. This service is further enhanced by our ability to access resources and in-depth sector expertise offered by our colleagues in London and globally.

**CMS Scotland**

- 64 Partners and over 200 Lawyers
- Over 400 staff in our Aberdeen, Edinburgh and Glasgow offices
- 32 Band 1 rankings across Chambers and Legal 500
- Legal Advisor of the Year, Business Insider Deals and Dealmakers Awards, 2016

**Prioritising Scotland**

Scotland has been and will remain a key focus for the firm. Our new Glasgow premises underline the strategic importance of CMS’s Scottish operations and the firm’s commitment to invest here. We also anticipate this latest merger will lead to further roles being created in Scotland.

Our board also has a strong Scottish influence with Penelope Warne, CMS’s Senior Partner in the UK, setting up and running our Aberdeen office more than 20 years ago. Our current UK Managing Partner, Stephen Millar, is a Scot who has practised in Scotland for over 20 years and Caryn Penley, who was previously Managing Partner of Dundas & Wilson, is now Managing Director of Scotland and a continuing member of the firm’s board.

The Legal Service Unit (LSU) operates out of our Glasgow and Edinburgh offices. This in-house paralegal team focuses on making more routine, process-led and labour intensive area of legal projects more efficient and cost effective. The team supports all our sectors and practice areas throughout the UK and internationally. It is continually expanding to support the growth of CMS.

We are continually looking at opportunities for growth in our Scottish practice.

We look forward to the next chapter of our firm, and to continuing to work with our clients in Scotland and around the world.

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**Who we are**

**CMS** is Europe’s largest law firm, and a top 10 global firm with 65 offices around the world. CMS has a long-standing heritage in Scotland.

**Nabarro** has important practices in competition, construction, funds and capital markets, a market-leading cross-practice real estate team along with infrastructure and projects expertise.

**Olswang** has an outstanding record in technology, media & communications and IP.

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Spotlight: Edinburgh St James
The story so far

Construction work started on the Edinburgh St James redevelopment in the city’s East End last Autumn. The St James Shopping Centre and former government offices will be replaced by a state of the art redevelopment: 4 floors of shopping, dining, leisure and entertainment anchored by a John Lewis flagship store, car parking, 150 new homes, a multi-screen cinema, and a luxury five star W Hotel.

Major redevelopments like this one do not just happen overnight. At 1.7 million square feet, it is one of the biggest and most complex in the UK. For over 10 years, CMS has been working with the developers, TH Real Estate, to help bring the project to fruition.
To get a complex mixed use investment of over GBP 1bn in value to construction within a world heritage location required an incredible effort from a highly skilled and talented team. CMS were a major part of that team and their skill, experience and dedication performed a central role in securing the investment, without which the project could not have been progressed. As a business we recognise that their contribution on many occasions went significantly beyond the normal service demanded by most clients and for this we are immensely grateful.

Martin Perry
Director of Development at TH Real Estate

So far over 150 CMS lawyers have been involved in this redevelopment with work ranging from:

- Complex lease and contract arrangements with John Lewis to allow them to keep trading while Edinburgh St James is literally rebuilt around them;
- Pre-let agreements with key occupiers such as Next and Everyman Cinemas;
- Management agreements with Starwood for the W Hotel;
- Documenting public realm funding arrangements with the Scottish Government and The City of Edinburgh Council;
- Property input into TH Real Estate’s joint venture arrangements in relation to Edinburgh St James – not just in respect of the main JV with APG (the Dutch pension fund), but also the JV arrangements for the residential element of the scheme with the internationally recognised residential and mixed-use developer Native Land and Scottish residential development firm Queenberry Properties; to
- Data protection – specialist legal advice in relation to the privacy aspects of the webcams capturing the demolition of the existing buildings and the construction of the new development.

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The changing face of retail

The Edinburgh St James redevelopment showcases a number of trends we are seeing increasingly in the UK.

Fit for purpose

There is a gradual move by most retailers away from dated and inflexible high street units towards bigger, more easily reconfigurable units. We expect retailers to focus more on ‘flagship’ branches, with people increasingly ready to travel to ‘destination shopping areas’ in and around the big cities. We expect some of the vacated units to be taken up by smaller independent retailers (from discounters through to high-end fashion, depending on the locality’s social and economic vibrancy); some are likely either to convert to leisure or residential.

More big brands

Larger developments bring in bigger brands. Glasgow’s ‘Style Mile’ – a square housing a huge concentration of shops – features top international brands such as Hugo Boss, Kurt Geiger, Hollister and Kiko. Aberdeen’s Union Square development attracted Scotland’s first Hollister and stand-alone MAC stores. And Edinburgh St James will help move Edinburgh up the UK retail rankings, boosting it from 13th to 8th place.

City centre retail can thrive

Our retail team have found that, provided attention is given to providing adequate parking and transport links, footfall in city centre developments can hold firm. The City of Edinburgh Council’s plan is that those visiting Edinburgh by car will park at either the east end (where the Edinburgh St James redevelopment will include 1,600 parking spaces) or the west end, and then visit the rest of the city centre on foot.

Opening up

The trend is away from ‘closed-off’, cocooned shopping centres. Permeability is a key part of modern designs – both in terms of an ‘open air’ feel (see the glass-roofed The Elements, Livingston and Trinity Leeds) and being an integral part of the locale (for example Edinburgh’s Multrees Walk).

Destination, destination, destination

Shopping is increasingly a destination activity. So retail developments increasingly form part of mixed-use developments which also feature restaurants, bars, cinemas and visitor areas.

Clicks and mortar

Physical stores are becoming more important as a showcase, with people researching online and then buying in store where they can handle the goods, or vice versa. Innovations such as Marks and Spencer’s online personal style consultant, and Amazon Go stores (where sensors allow customers using a smartphone app to ‘grab and go’ without having to queue and pay at a counter), mean the line between clicks and bricks is blurring quickly. And increased use of robots for repetitive tasks should free up staff to provide a more personalised, expert service to customers who like that.

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Brexit: the Scottish dimension

Over the months since the Brexit Referendum, the positions of both the UK and Scottish Governments have gradually become clearer. Over this period it had become increasingly clear that there was a divergence of view.

In December the Scottish Government issued its ‘Scotland’s Place in Europe’ paper. The paper proceeds on the premise that Scotland voted to remain in the EU and that its economic and wider interests are best served by remaining within it. There is recognition, however, that given the UK-wide result of the EU referendum there is political imperative for the Westminster Government to trigger Article 50 and for the UK to leave the EU. In these circumstances, the paper argues, the next best option would be retention of membership of the Single Market through the European Economic Area (EEA) agreement, at a UK or Scotland level.

The paper highlights available mechanisms that would allow Scotland, as part of the UK, to remain within the EEA and the Single Market while acknowledging that these potential arrangements come with some additional complexities and require buy-in from the EU and the UK. In particular a differential deal for Scotland within the UK is suggested based on a ‘Norway model’ relying on Scotland having membership of the European Free Trade Agreement (EFTA). As EFTA is only open to fully independent nation states this would need UK sponsorship but arguments are made as to why there is a benefit to the UK as a whole in having at least part of its territory still within the Single Market and able to retain and attract indigenous and inward investment on that basis.

This on-going membership would require Scotland to maintain financial contributions to the EU which, the Scottish Government argues, could be met from a pro-rata share of current UK contributions to the EU. Scotland would also remain bound by EU law which would apply to all goods and services it traded with the rest of the Single Market. Such an arrangement would be impacted if the UK leaves not only the Single Market but is also no longer part of the Customs Union and
any differentiated arrangement could have an impact on how trade is conducted with the rest of the UK.

Any EEA-style deal would require Scotland to uphold the core principle of the free movement of people across the EU. There is no proposal within the paper for Scotland to join the Schengen area and it suggests that EU migrants seeking to use Scotland as an access route to other parts of Britain could be dealt with through immigration rules applied in the rest of UK.

It is acknowledged that such a migration policy would pose some challenges but the Scottish Government has pointed out that the devolution settlement is based upon differentiated arrangements between different parts of the UK and that other states, including Canada and Australia, have schemes where migrants must live and work in specified geographical areas.

Implementing these arrangements as well as others set out in the paper would require additional devolution of powers from Westminster to the Scottish Parliament, not just in areas like immigration but also around business and trade regulation.

As part of the Supreme Court judgement on the Gina Miller case in January it was ruled that the UK Government has no legal obligation to obtain the consent of the Scottish Parliament before triggering Article 50. While it had direct impact on the Scottish Government’s position on Brexit it has indicated clearly that it has no veto on formally initiating the Brexit process.

In February the UK Government then issued its White Paper on ‘The United Kingdom’s exit from and new partnership with the European Union’. This sets out a plan for a ‘hard’ Brexit based on negotiating a complex trade agreement with the EU or in the absence of such an agreement relying on WTO rules. It does not make any allowance for a different solution for Scotland and suggests that the outcome of the Brexit agreement will be binding on all the UK’s nations and regions, including Northern Ireland and the City of London which also voted to remain.

Increasingly the political rhetoric reinforced the likelihood that when the Article 50 notice is served this month it will not countenance any differential deals across the UK. Furthermore, different views were emerging between the UK and Scottish Governments as to how powers coming back from the EU on Brexit would be distributed as between Westminster and Holyrood.

On 13th March Nicola Sturgeon as Scotland’s First Minister indicated that the Scottish Government would be seeking authority to hold a second independence referendum which they would want held between Autumn 2018 and Spring 2019 when the shape of the Brexit deal should be known but before it becomes effective. The UK Government requires to approve the holding of such a referendum and it is still unclear whether that approval will be given and if so on what terms and what the timing would be.

There are therefore a number of variables in play around Brexit including the form of the Article 50 notice, the eventual outcome of Brexit negotiations and whether these include any form of differential deal for Scotland. There is also the other dynamics of a referendum on Scottish independence and any reshaping of the intra-UK constitutional arrangements and on Scottish devolution.

In the meantime, Scottish businesses should plan on how they will deal with the effects of ‘hard’ Brexit even if there is little clarity on what the UK can eventually negotiate with the EU nor how the Scottish dynamics will play out.

To meet production deadlines this article was finalised on 14 March 2017 therefore does not take into account any updates following this date.

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Robotic process automation: understanding the legal issues

Quite simply, **Robotic Process Automation (RPA)** is software which mimics and replaces computer facing work which is or can be done by humans. **Think of it is a ‘digital workforce’**.

RPA is becoming popular and is seeing huge growth; particularly in organisations where there is significant manual processing of data. The trend towards RPA will undoubtedly continue. From a 2016 study by Deloitte it found that 11m jobs in the UK are at risk of automation.

Implementing RPA technology – the how to basics

Organisations implement RPA technology in two ways:

1. **through a new contract with a supplier where it has been agreed upfront that the supplier will use RPA technology in delivering services to the customer.** We refer this option as ‘**managed service**’; and

2. **by acquiring some RPA licences from a vendor of RPA software (such as Blue Prism or UiPath) to use internally.** Often this is done initially as a proof of concept, and use is then increased/adjusted depending on the outcome of the proof of concept phase. We refer this option as ‘**in-house option**’.

Getting started – Legal due diligence

Whether deploying RPA as part of a ‘managed service’ or via an ‘in-house option’ due diligence will be important. Some issues to be considered:

1. **what data will the robots have access to and has data security/data protection been considered;**
2. **for critical processes, is there business continuity in place if the digital workforce is not able to operate (e.g. revert to manual processing)?**
3. **what is the worst case scenario and what mitigants are in place to avoid these;**
4. **what commercial benefits will RPA generate and are they/can they be locked in contractually (i.e. will the business case be delivered?);**
5. **are the tasks to be performed by the ‘robots’ repeatable and can they be mapped;**
6. **what is the people impact of the use of RPA technology: is there a risk of redundancy/TUPE for those currently doing the work, do roles need to be re-profiled (e.g. to focus on quality assurance/exceptions rather than manual processing);**

So why is it so popular?

When you understand some of the benefits of RPA it is easy to see why such growth is being predicted. These include:

- **Cost savings** – between a 40-80% saving compared to human workforce costs;
- **Quick and easy to deploy** – often taking between 8-12 weeks, with the advantage that the technology can be tweaked at short notice dependent on the task;
- **24 hour delivery** – this ‘digital workforce’ will deliver any time of the day or night with no constraints by shift or work patterns;
- **Speed of processing** – a digital worker can execute processes more quickly than a human;
- **Improved accuracy** – risk of human error is eliminated;
- **Scalable technology**, and
- **Improved access** to management information.
RPA is becoming popular and is seeing huge growth; particularly in organisations where there is significant manual processing of data. The trend towards RPA will undoubtedly continue.
— is the RPA use in a regulated sector, e.g. financial services; if so, are the regulatory requirements applicable to that sector being complied with (e.g. SYSC 8 in the financial services sector); and

— will ‘adopter’ be able to exit the RPA technology, without disrupting ongoing operations.

For those familiar with outsourcing and long term services arrangements, many considerations are not new or unique to RPA. In deploying any new technology within an organisation there will naturally, be a greater anxiety than over a technology that an organisation has used before. This will be particularly true where the use is as part of a ‘managed service’ rather than via an ‘in-house option’, where you might just be dipping your toe in the water.

**Contractual arrangements**

When discussing the contractual arrangement for RPA, focus on:

— the rights to use the technology: how wide are those rights? This is a typical discussion in a software licensing regime. User caps and other use restrictions are the norm. It is less common in a ‘managed service’ for a customer to be able to use some of the supplier’s tools. Will that be permitted;

— locking in the commercial benefits so productivity is guaranteed (particular to a ‘managed service’);

— ownership and ability to adjust the processes on an ongoing basis;

— availability of the robotic workforce (uptime), speed of processing, accuracy of processing and break/fix support (and related service levels and service credits);

— who owns the licence in the underlying RPA software: the customer or the service provider. This will be relevant in the case of an exit; (particular to a ‘managed service’);

— the roll-out schedule for the robots and any success criteria attached to that (and any subsequent increased roll-out); and

— liability for errors. If looking at an ‘in-house option’, liability will be the same as a software licence i.e. a time limited warranty (compliance with spec) followed by a break/fix service. If, however, RPA is being supplied as part of a ‘managed service’ a service provider is likely to take on a greater degree of risk and liability, discussions will focus on issues such as excluded losses, caps on liability and liability for systemic issues/repeat failures.

**How does RPA technology impact existing contractual arrangements?**

If as an organisation you are only looking at using RPA technology software there are still a couple of issues to consider, for example:

— do all employees have the necessary rights to use it?

— can a third party supplier use your software or does it breach the third party licence terms?

— are user number restrictions or locations impacted at all by the digital workforce?
Islamic Finance in Scotland: New options

In November 2016, Al Rayan Bank opened its inaugural branch in Scotland, becoming the first Shariah compliant bank to establish itself in Scotland.

This presented its 2,000 existing customers with an opportunity to interact with Al Rayan Bank in person, where previously they had been limited to using online or telephone banking channels.

To coincide with the branch opening, Al Rayan Bank also launched its ‘Home Purchase Plan Scotland’ which uses a diminishing Musharaka or co-ownership structure to allow individuals to purchase homes in Scotland under the terms of a Shariah compliant Co-Beneficiaries Agreement.

Of the many Shariah compliant structures which can be used to fund real estate, diminishing Musharaka appears to be the only type of structure used in Scotland as far as Islamic Finance in the retail lending space is concerned. The use of Ijara or leasing structures where the financier acquires the property and leases it back to the customer for the mortgage term does not appear to have been used in Scotland. There may well be good reason as a matter of law for this however as the Land Reform (Scotland) Act 1974 provides that residential (as oppose to commercial) leases in Scotland cannot be longer than 20 years.

Similarly, Murabaha under which the property is purchased by the financier and then immediately sold to the customer has not been used to any meaningful extent under Scots law.

In the corporate lending / investments space by contrast, Scotland has seen greater Shariah compliant activity with Gatehouse Bank (a wholly Shariah compliant bank) having acquired Fountainbridge student accommodation in Edinburgh for £20million, a Rolls Royce manufacturing facility in Glasgow and an office property in Aberdeen let to Petrofac. Aberdeen Asset Management also operates a number of Shariah compliant funds.

Whilst Scotland has made certain advancements at a policy level, the use of Islamic Finance in the retail lending space has been fairly limited. Al Rayan Bank’s launch in Scotland ought to help address this. This is particularly so as there is a clear will to develop Islamic Finance in Scotland, not least demonstrated by the partnership between the Church of Scotland and the Islamic Finance Council UK, a not for profit specialist advisory and development body focused on promoting and enhancing the global Islamic and ethical finance industry.

The two bodies launched an initiative in 2016 to join forces in order to develop ethical financial services, looking to benefit society as a whole, a collaboration which will be interesting to follow going forward.

This article was published in Islamic Finance News.

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Employment status in the gig economy

The gig economy is growing. In this digital age, jobs and locations are separating leading to a marked increase in temporary contracts and independent workers on short-term projects.

As this trend increases, so does the need for clear terms of engagement. Businesses operating in the gig economy and using a flexible workforce were recently dealt a blow after the Court of Appeal upheld the latest challenge to employment status in the Pimlico Plumbers appeal. This judgment follows a number of similar decisions by workers who have successfully argued they were not self-employed, in order to benefit from the wider legal protections which are available to workers.

These decisions have implications beyond those organisations operating in the gig economy. Any organisation operating atypical working arrangements, for example those that are heavily reliant on contractors or zero hours workers, should be aware of the impact of these cases. While organisations may wish to categorise an individual as self-employed in order to maximise flexibility and reduce costs, tensions can arise where employees want job security, fixed hours and as we have seen, basic legal rights. The challenge for employers is understanding how the law fits in with the commercial arrangements they want to implement.

The types of employee

UK employment law has evolved to produce three general categories of employment status: employee, worker and self-employed. ‘Employee’ status grants the most comprehensive rights to the individual, ‘worker’ operates as a mid-tier status affording fewer but still significant protections to the individual and ‘self-employed’ offers few work related protections.

While employee status requires a greater degree of control of the way in which work is carried out, personal service and a mutuality of obligations between employer and employee, the term ‘worker’ is much more widely defined.

The Employment Rights Act 1996 states that a worker is any individual who undertakes to work personally for another party, provided that other party is not a client or customer of the individual’s business undertaking.

A legal precedent being set

The latest case saw Mr Smith (who had been engaged to carry out plumbing work on behalf of Pimlico Plumbers) attempt to bring claims in the Employment Tribunal for unfair dismissal, wrongful dismissal and disability discrimination. The Employment Tribunal, and most recently the Court of Appeal found that Mr Smith was not an employee, but a worker, and was therefore entitled to bring a claim for disability discrimination.

The Court of Appeal found that Mr Smith met the definition of a worker because:

— he was required to provide his services personally; his agreement with Pimlico did not contain a right of substitution and although an informal practice had arisen where Pimlico colleagues would sometimes undertake jobs for each other this was not enough to vary an express term of the agreement and imply a right of substitution;

— he was required to be available to undertake work for a minimum of 40 hours week; and

— the degree of control placed over him by Pimlico was not consistent with being self-employed, and went beyond that which could be exercised by a customer or client: for example his agreement contained a restrictive covenant preventing him from working as a plumber in the Greater London area for three months after the end of the relationship.

This finding follows similar decisions involving Uber drivers and CitySprint cycle couriers, who were also found to meet the definition of ‘worker’ despite both organisations arguing that the drivers/couriers were self-employed. The case law shows a recalibration of the balance between flexibility and cost efficiency, in contrast with security and legal protection.
In response, businesses should assess the structure of their workforce, and be aware of the risk posed by the evolving nature of employment status. Businesses wishing to categorise an individual in a particular way should carefully consider all aspects of the working relationship. The starting point is always the written contractual arrangement with the individual concerned but day-to-day arrangements will also be relevant, and sometimes the determining factor.

Political developments

Given the importance of the rights at stake, and the impact these decisions will have on businesses and individuals, the government has commissioned the independent Taylor Review of employment practices in the modern economy. This follows on from the Department for Business, Innovation and Skills review of employment status in 2015. It remains to be seen whether any legislation will be drafted to provide clarity in response to these enquiries.

In the meantime, the most recent decisions are open to appeal and the issue of employment status remains as dynamic and changeable as ever. For more information on how to protect your business and ensure you categorise staff correctly you can listen to our webinar – disrupting the disrupters at cms-lawnow.com/Employment-webinar-series

You can register for future webinars by visiting the events page on our website – cms.law

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Sweat your legal assets

How useful is the legal information that you receive every day in your In-box? When you receive information, what do you do with it? Are you really getting the best out of the wealth of information that comes your way, either from paid-for sources or from firms keen to do more business with you?

The experience from CMS is that many in-house legal teams are drowning under a sea of data purporting to be useful information. Much goes unread or is filed within an individual’s folders just in case it is of use. Very little is managed or shared in the most effective way so that relevant content can be found when needed by anyone within the team. But it doesn’t have to be like this.

Kate Stanfield, Head of Knowledge at CMS, has been helping our clients for many years to make sure they get the most out of the knowledge they already have, or we can give them access to. She offers a wide range of services, but generally, her approach starts with a meeting to understand your needs and the needs of your team members. Put simply ‘what knowledge do you need to do your job’? Are you using the most up to date and comprehensive resources?

Kate will not only help you identify the knowledge you need, but also work with you on the best way of accessing that knowledge on your own system. Kate says ‘increasingly, what we’re seeing is a need for law firms to work collaboratively with their clients regarding the provision of knowledge. For example, it can be irritating for clients if they have to log into several extranets to find the information they need, it would be much better if the firms worked together to put all the content onto one shared platform, or your intranet. You could consider asking firms to do this as part of their service commitment to you’.

Having the right knowledge in the right place at the right time can only make an organisation more effective.

If you would like more information on how a CMS knowledge audit might work for you, your Client Relationship Partner would be happy to discuss it with you.

There are generally four key areas where clients can benefit from talking to our team:

- Managing risk and compliance
- Inefficiency and duplication
- Barriers to sharing and collaboration; and
- Gaining maximum benefit from advisers.

Once Kate has a clear picture of what is actually needed with in the team, the next question is how much are you already spending on information? She will then review what you already have access to and how the knowledge platforms at your organisation work. Kate says ‘organising a team’s knowledge is often something that stays on the team’s ‘to do’ list ad infinitum – by getting us involved we can make sure good intentions become a reality, and often we can save clients money along the way. The advantage of working with us is that, given the size of our firm, our budgets are significantly larger and therefore we have been able to invest and test a lot of different knowledge providers over the years. We can share that insight and help clients identify what they really need and what they could do without, or access in a different way’.

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Once Kate has a clear picture of what is actually needed with in the team, the next question is how much are you already spending on information? She will then review what you already have access to and how the knowledge platforms at your organisation work. Kate says ‘organising a team’s knowledge is often something that stays on the team’s ‘to do’ list ad infinitum – by getting us involved we can make sure good intentions become a reality, and often we can save clients money along the way. The advantage of working with us is that, given the size of our firm, our budgets are significantly larger and therefore we have been able to invest and test a lot of different knowledge providers over the years. We can share that insight and help clients identify what they really need and what they could do without, or access in a different way’.

Kate will not only help you identify the knowledge you need, but also work with you on the best way of accessing that knowledge on your own system. Kate says ‘increasingly, what we’re seeing is a need for law firms to work collaboratively with their clients regarding the provision of knowledge. For example, it can be irritating for clients if they have to log into several extranets to find the information they need, it would be much better if the firms worked together to put all the content onto one shared platform, or your intranet. You could consider asking firms to do this as part of their service commitment to you’.

Having the right knowledge in the right place at the right time can only make an organisation more effective.

If you would like more information on how a CMS knowledge audit might work for you, your Client Relationship Partner would be happy to discuss it with you.

There are generally four key areas where clients can benefit from talking to our team:

- Managing risk and compliance
- Inefficiency and duplication
- Barriers to sharing and collaboration; and
- Gaining maximum benefit from advisers.

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We are able to provide you with the support, guidance and advice you need to manage your risk in all the major dispute resolution hubs in Asia – in China, Hong Kong, and Singapore. We seek solutions that will put your business in a stronger position. Because sometimes adversity can be your biggest opportunity.

To get the best view of a market, this is where you will find us. On the ground.

CMS is an international law firm with more than 300 dispute resolution specialists who have the expertise and capacity to handle the most complex disputes. We help clients to thrive through technical rigour, strategic expertise and a deep focus on partnerships.