



illuminate

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Shining a light on... you.

As the new Managing Partner at Walker Morris, I'm delighted to welcome you to our 2nd edition of Illuminate.

Each edition tackles the issues that matter to you most. We've got interviews, actionable guides, and advice on key topics, giving you the confidence to speak and act — no matter what's on the agenda.

You'll notice in this edition we discuss social mobility and diversity and inclusion, these are causes close to my heart and initiatives that I lead at Walker Morris. You can read about some of the work we've been doing in our Positive Impact Report.

And our commitment to creating an inclusive environment has been recognised. This year we were shortlisted for the Social Mobility award at Legal 500's ESG awards and, last year we won Diversity and Inclusion Initiative of the Year at Legal 500's Northern Powerhouse Awards. In addition, we've recently launched our internal community, 'Fusion', championing diversity and individuality. We love to talk to in-house legal teams and help them on their journey, so please do get in touch if you want to discuss anything in this publication.

In this edition we:

- Reveal 7 top tips on how you can encourage social mobility — plus you can watch our recent social mobility webinar.
- Showcase our insights from the Enterprise GC 2024 conference hosted by Legalease.
- Delve into how you can make the in-house team diverse and inclusive.
- Interview Brenda Msi, Legal Director at Kone on what she thinks makes a successful GC.
- Provide highlights from our specialists on the key legal priorities on the horizon for you.

If you enjoy reading this, please make sure you sign up to receive future editions delivered directly to your inbox.

Want more? Our online Illuminate hub is brimming with resources to help you develop in your role, and manage your relationship with law firms.

Jeanette Burgess

Jeanette Burgess,
Managing Partner, Walker Morris



7 top tips to encourage social mobility

Social Mobility is increasingly at the top of the to-do list for leadership teams who see improving Diversity and Inclusion as not only fundamental to the success of their business, but the right thing to do. But it's a complex issue and requires far more than simply paying lip service to the idea of opportunities for all.

So, what is social mobility? And how can you support it in your business?

What is social mobility?

A person experiences social mobility when they have different life outcomes from their parents in terms of occupation or income. To be considered socially mobile, a person would have to show a shift in that link. For instance, if your parents were low earners, but you now earn significantly more, you've experienced upward social mobility.

The more social mobility there is, the less someone's destination in life depends on where they start out.

It's an issue that affects all sectors, but taking the legal industry in the UK as an example, a 2022 UK Law Society report revealed some striking statistics:

- **Senior leaders:** 64% of senior leaders came from families with professional backgrounds. This is almost double the proportion of the UK population (37%).
- **Educational background:** 26% of senior employees attended fee-paying schools. This is 3 times the national average of 7.5%.
- **Challenges:** 37% of employees from working-class backgrounds felt their social background had an impact on their career.

Breaking down these barriers is essential for professional development, opening up opportunities, and increasing diversity in the workforce. When done right, social mobility positively impacts both businesses and individuals.

What can you do to help?

If you're just starting your social mobility journey or are already underway, focus on these 7 fundamental principles:

1. You can't improve something if you don't know where you're starting from

Understand your baseline by examining data. Look at the work conducted by the Social Mobility Commission to standardise [how social mobility is measured](#). Define what constitutes "socially mobile" and what doesn't. Armed with this knowledge, you can take practical steps to collect information that's relevant to what you're trying to do.

2. Get buy-in from senior leadership

Senior leadership must fully grasp the importance of social mobility. Engage in honest discussions, and make sure everyone's voice is heard and considered. Social mobility should be integral to the business, not an optional activity.

At a simple level, the business case for social mobility is like all other employee characteristics. If you don't focus on it, you may be missing a raft of talent who either aren't aware that opportunities exist in your organisation — or who might not be confident that they'll be welcome when they join you. Fish in a pool, not a puddle!

3. Tell people why they should care about social mobility

Effective communication is key, but it's often overlooked. Be open about social mobility initiatives, progress, and challenges.

If you're asking for data, tell people why you're asking for it and how you're going to use it. You'll find people much more willing to volunteer both their data and their time.

4. Look for quick and impactful wins

In your organisation, there may be policies, procedures, and 'unwritten rules' that inadvertently hinder your social mobility initiatives. These are what we commonly refer to as "structural barriers."

For instance, at Walker Morris, 1 of our core values is "You can be serious without wearing a suit." This value extends beyond a mere "smart casual" dress code. In fact, we have no uniform or dress code policy at all.

We encourage our colleagues to wear what makes them most comfortable and is appropriate for their workday. This means we avoid singling out those without the financial means to invest in expensive office wear.

5. Adopt this 1 simple recruitment tool

While there's extensive literature on various recruitment methods, removing academic requirements, and embracing non-traditional routes (such as apprenticeships) — consider a straightforward yet impactful step: "Blind CVs".

This approach involves removing not only the candidate's name but also details about their educational institutions. By doing so, you mitigate unconscious bias and focus on what truly matters — their qualifications and suitability for the job.

6. Don't do it alone

Chances are, other organisations within your industry are already undertaking or contemplating the same things as you.

Reach out to them, learn from their experiences, share your own stories, and seek to collaborate to share the operational burden of setting up an initiative.

At Walker Morris, we took part in a series of round table discussions with law firms across the UK under the banner of "Breaking Down Barriers to Law". We found the exchange of ideas, success stories, and challenges really worthwhile and helpful.

7. See social mobility as a process, not an event

Finally, like diversity and inclusion, social mobility isn't a destination where you stop working.

Instead, you need to see it as an ongoing process — 1 that requires continuous improvement, reassessment, and work.

Just as diversity and inclusion is becoming "business as usual", let's integrate social mobility. No-one's social mobility initiatives will be perfect, and we'll all face challenges along the way. But it's important to keep the momentum going.

We recently held a webinar, including [Tracy Foley](#) (Head of People & Culture) and [Jessica Harvey](#) (Diversity & Inclusion manager) to discuss social mobility and how businesses can start their journey towards a more diverse and equitable future.

"I continue to be impressed by Walker Morris' approach to addressing the issues experienced by individuals from low-income backgrounds seeking to find a career rather a job. You can't aspire to a career unless you know it exists and without firms demystifying themselves access can seem like an impossibility. Walker Morris' own efforts and willingness to share best practice is the blueprint to creating a fairer and more productive workplace."

Barry Matthews, GC, and Founder of the Social Mobility Partnership

There's no instruction manual for GCs...

But there is Illuminate.

We created Illuminate to provide you with genuinely useful guides, resources, and interviews from other experienced GCs who've seen (and dealt with) it all before.

To access all this and more...

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Enterprise GC:

What's on your mind? The ever-changing cyber, data, and security landscape

In April, Sally Mewies, Nick Stubbs, and Andrew Northage of Walker Morris attended Enterprise GC — the 2-day general counsel event from Legalease. We held a roundtable on “how in-house legal can add value to critical IT projects”. Here, we discuss what we learnt and Sally, Nick and Andrew give their advice on the ever-changing cyber, data and security landscape.

This article was featured in the Legalease Enterprise GC follow up supplement.

Cyber, data, and security matters are becoming more prevalent and frequently make headlines in the media. Throughout Enterprise GC, it was clear that the risk of a cyber attack or data breach is a top concern for general counsel. The phrase ‘when, not if’ was echoed multiple times, really driving home the point that these incidents feel almost inevitable. The risk is evolving, with threats becoming increasingly diverse and sophisticated due to current economic and geopolitical instability.

In addition, the common theme that came out of our roundtable discussion was that GCs are struggling to deal with this increased security risk in the contracting process.

First, let’s take a look at the risk of neglecting security, then we’ll provide an update on the regulatory landscape and talk you through what to consider when contracting technology.

The high cost of neglecting security

Poor data security can lead to costly downtime and disruption. A recent IBM study noted that ‘the global average cost of a data breach in 2023 was \$4.45m — a 15% increase over 3 years’.

The long-term effects are significant too. Another study from ThreatX showed 60% of consumers wouldn’t do business with a brand suffering a data breach, and 21% would switch provider following an incident. Companies with weak data security risk falling behind their competitors who are diligent about cyber matters.

What if the worst happens?

Most cyber attacks involve a personal data breach which is likely to mean notification to the Information Commissioner’s Office (ICO) in the UK or the equivalent in an EU member state. Depending on the severity, it may be necessary to notify affected individuals and possibly support them with remediation. Then there are the costs of investigating and taking legal advice — which can quickly run into 6 figures. And all of that’s before you decide what to do in response to the ransom demand.

By then, a regulator may decide to investigate the cyber attack. The ICO and its EU equivalents have the power to publicly name and shame a company for non-compliance and impose severe fines. And, in some cases, a data breach can lead to criminal charges for both the company and its directors.

The regulatory landscape in the UK and Europe

All businesses operating in the UK must comply with the General Data Protection Regulation, the Data Protection Act 2018 and the Privacy and Electronic Communications (EC Directive) Regulations 2003.

If you’re an operator of essential services (such as healthcare, energy, or infrastructure) or a digital service provider (such as cloud computing), you’ll also need to comply with the NIS

Regulations 2018. These regulations focus on IT systems and infrastructure by imposing security and incident prevention obligations, as well as reporting requirements.

But the landscape is evolving...

The EU has published revisions to the NIS Directive (NIS2) which EU member states must bring into law by 17 October 2024; the UK isn’t bound by this Directive, but the UK government plans to strengthen the NIS Regulations, including bringing more businesses within its scope. While the status of those proposals is unclear following the upcoming general election, the next government is unlikely to deviate from the path of increasing cyber security requirements.

Added to this is the Cyber Resilience Act, which has recently been agreed at EU level and will start coming into force in Q2 of 2026. The Act will impose robust cyber security requirements on the design, development, and production of products, both — hardware and software — with digital components. This will apply to EU-based business and those placing products on the market in the EU.

Additionally, hot off the press, the government has recently published 2 new voluntary codes of practice for consultation:

- The AI Cyber Security Code of Practice addresses AI cyber risks by ensuring that cyber security and resilience is built into the design of AI models.
- The Code of Practice for Software Vendors sets out security and resilience measures that should be expected of all organisations which develop or sell software.

The consultation has also been closed on the draft Cyber Governance Code of Practice which looks to formalise directors’ responsibilities in relation to cyber resilience, security, and risk management.

These codes demonstrate the importance of cyber security and point to an increasingly granular approach to cyber security risks and a focus on accountability within organisations.

How you can use contractual measures

During our Enterprise GC 2024 round table discussion, a key concern raised by attendees was addressing security in the contracting process.

Customers of IT services or products often focus on supplier pre-contract security checks and insurance cover. However, there are provisions that can be included in a contract that can be helpful in relation to security incidents:

- Place contractual obligations on the supplier to maintain certain security standards in relation to data. ‘Data’ is wider than personal data and can include valuable company know-how and confidential information. Consider including contractual obligations to comply with specific ISO standards around cloud security and information management.
- Ensure there’s a contractual obligation to comply with applicable security laws.
- Include a requirement for the supplier to report any security breaches or cyber attacks affecting data where reasonable

“These codes demonstrate the importance of cyber security and point to an increasingly granular approach to cyber security risks and a focus on accountability.”

“Government and the insurance market are pushing to equip businesses to prevent these attacks and eliminate the extortion market and payment fines.”

and practical.

- Be clear in the contract about who's responsible for backing up data.
- Ensure equivalent security provisions are passed down to sub-contractors.
- Consider naming the person from the supplier who's responsible for security in the contract — having a name and contact details can be useful in the event of an attack. This can also be a red flag if the supplier doesn't have a nominated person.

What about insurance?

Insurance clauses in contracts are common but often they're not given detailed consideration.

They typically cover public liability and professional indemnity claims, and sometimes 'silent' cover for security events, i.e., they incidentally cover some aspects of security breaches or cyber attacks.

Specific cyber/data breach insurance, including some that cover extortion payments, is available. However, coverage

varies based on the detailed policy terms. Government and the insurance market are pushing to equip businesses to prevent these attacks and eliminate the extortion market and the payment of fines.

As with business interruption insurance, it's unlikely a supplier will fully cover the impact on your business of a cyber/data breach event. The policy needs to be taken out by the business seeking the protection and in setting up this kind of insurance, it's crucial to carefully interrogate the key policy terms.

Next steps

The impacts of poor security can be significant. As the regulatory landscape continues to evolve, it's crucial to stay informed and prepared. Contractual measures and insurance can provide an additional layer of protection, but they must be carefully considered and implemented.

Our team of experts are here to help you understand and manage these risks effectively. If you'd like to discuss further, please contact us.



Making the in-house team diverse and inclusive

In an increasingly interconnected and culturally diverse world, fostering true diversity within teams has become a vital aspect of organisational success. Our own experience — and studies the world over — have shown that creating a diverse team not only enriches perspectives, but also offers the opportunity to enhance creativity and problem-solving. The journey to a diverse team can, however, be challenging, and employers must not shy away from addressing sensitive topics — even if there's a fear of getting it wrong.

In this piece our Diverity and Inclusion Manager, Jessica Harvey, shares her guidance.

With over 10 years working in D&I, Jessica has advised organisations like Heritage England on how to get people from diverse backgrounds involved in heritage, and worked with one of the largest political organisations in Wales around their D&I strategy. Before joining Walker Morris, Jessica was D&I manager at a third sector provider within Kirklees where she put distinct processes in place to help change the overall culture of the organisation.

Building diversity: a strategic imperative (that's backed up by research)

Employers need to recognise the value of having employees with varied backgrounds, experiences and perspectives. In recent years, research from influential organisations such as [Gartner](#), [Harvard Business Review](#) and [Boston Consulting Group](#) have all demonstrated the value of diversity in teams against metrics including revenue, profitability, and employee performance, retention and satisfaction. Moreover, diverse teams have been shown to be more innovative, adaptable, and capable of understanding a broader range of clients and stakeholders — something that chimes with what we've experienced at Walker Morris.

So, how can you create a more diverse organisation? It starts, of course, with how you're recruiting. The legal profession has been grappling with this issue for a number of years, particularly given that sectors within it have a reputation for being elitist. Thankfully this is changing, and it's possible to increase the size of your talent pool by inviting a greater — and more representative — cross-section of people to the table.

At Walker Morris, to help reduce and unconscious bias, we've started using so-called 'blind recruitment' in which candidates are given a number rather than a name and the university or college they attended is also removed from applications. There are also specialised job boards aimed at different groups, including BAME and LGBTQ+ applicants. As a firm, we look at non-traditional universities to target with graduate recruitment campaigns.

Diversity and inclusion aren't the same thing: creating a safe and sustainable workplace

While building a diverse team should be paramount for any organisation, does that go far enough? Diversity is 1 thing, but facilitating true, tangible inclusion is for many a more challenging step to make. A 2023 survey conducted by UK recruiter Reed revealed that [32% of people say they're not able to be themselves at work](#), whether that's because they fear being seen as unprofessional, worry that they will offend someone or because they are simply worried about their colleagues' opinions.

So how do you create safe spaces where people feel they can be open and be themselves? The answer lies in a shift in mindset, a certain amount of courage, and taking concrete actions.

Overcoming fear of missteps: an opportunity for growth

The first step is to not look for perfection on day 1. Addressing diversity-related topics can be intimidating, especially when there's a fear of saying the wrong thing or inadvertently offending someone. It's important, however, to understand that

fostering diversity is an ongoing learning process. It's okay to make mistakes provided that there's a genuine commitment to listen, learn, and improve. What's important is that when mistakes invariably occur, it's essential to approach them as learning opportunities. Employers should be willing to listen to feedback, acknowledge their missteps, and take concrete steps to rectify them. This openness demonstrates authenticity and a commitment to growth.

Open communication: creating a safe environment

The importance of open communication cannot be underestimated when building a more diverse team. Creating a safe space where employees feel comfortable discussing diversity-related topics without fear of retribution can be achieved through 1-to-1 meetings and/or in a group environment. Regular conversations can lead to a better understanding of individuals' different experiences and perspectives.

A good place to start is to undertake an assessment as to where you are as an organisation in this area. Resources such as the [Inclusive Employers](#) self-assessment tool provide a ranking and an understanding of any areas for development. Organisations such as [Stonewall](#), [Race Equality Matters](#) and others also have some excellent resources to support conversations and awareness in the workplace.

In addition, diversity and inclusion training programmes that cover unconscious biases, cultural differences, and the importance of inclusivity should be mandatory for all employees at all levels — including the most senior.

Employee groups: empowerment through unity

Establishing employee groups can provide a platform for employees to connect and support one another based on shared backgrounds or interests. While these groups are increasingly commonplace in large organisations, people sometimes overlook that their role is twofold: to celebrate diversity while also providing a serious forum to discuss issues that employees face.

Your values aren't up for debate

By its very nature, the topic of diversity and inclusion is highly political. But that doesn't mean it should be treated as political at work. Being drawn into debates — be it internally or externally — helps nobody and only leads to discord. Instead, organisations need to define their D&I values and principles and simply stick to them rather than engaging in heated debates. Can those values and principles evolve over time? Absolutely. But the politics should be left to politicians.





In conversation with: Brenda Msi, Kone

After qualifying in 2007 and spending several years in private practice, Brenda began her in-house career at Foster Wheeler. Hired to provide back up for their employment counsel, Brenda was quickly encouraged to venture into the world of oil and gas contracts. After a “baptism of fire” getting to grips with the intricacies of a new industry, Brenda spent over a decade working in construction, civil engineering, infrastructure, and related fields, and has recently been made Legal Director for the UK, Ireland, and the Netherlands at Kone. We spoke to Brenda to find out what she thinks makes a successful GC.



Brenda Msi

“...it’s vital to find sponsors and mentors within the business who will support you and push you forwards.”

Brenda, thanks so much for sharing your expertise with Bus. I’d like to start by hearing your view on whether there is such a thing as a “typical” General Counsel, or do you think the role varies based on the organisation, industry, or perhaps other factors?

I think there are certain characteristics that a good GC needs to have: leadership for example, strategic skills and business acumen — those things could be described as typical, but I think most GCs would agree that it’s not a case of ‘one-size-fits-all’. As a GC you’re often much more than a legal representative, you’re a business partner too, and there’s an expectation that you’ll be able to move the dial where it matters most (profitability, for example). To do that to a high standard, I believe you need to immerse yourself in the area in which you work and take a real interest in the business. So, although there are some key characteristics common to many GCs, there must be divergence to effectively deal with the things that are most relevant to your industry or sector.

Can you tell me a bit more about those key skills and characteristics that contribute to a General Counsel’s success?

Without doubt, the skillsets required will vary according to where your role is and the individual needs of the business. But I think inquisitiveness, curiosity (which is especially important when it comes to untangling negative scenarios), the ability to navigate complexity and negotiate are important (and common), elements of life as a GC. You need to be ready to learn and adapt and be fluid in your approach: more sponge than stone to use an analogy! Because things will go wrong, and you’ll need to be able to come up with a plan B, often a plan C and D as well. So, a successful General Counsel needs to be able to think through 3 or 3 scenarios at once and be ready to change direction if circumstances demand it.

Can you share some personal examples of how these skills and characteristics have been crucial in your role as a General Counsel?

Perhaps not surprisingly, the Pandemic really brought all those things I’ve just talked about to the fore. At Kone we were learning and making changes to how we worked on a weekly, sometimes

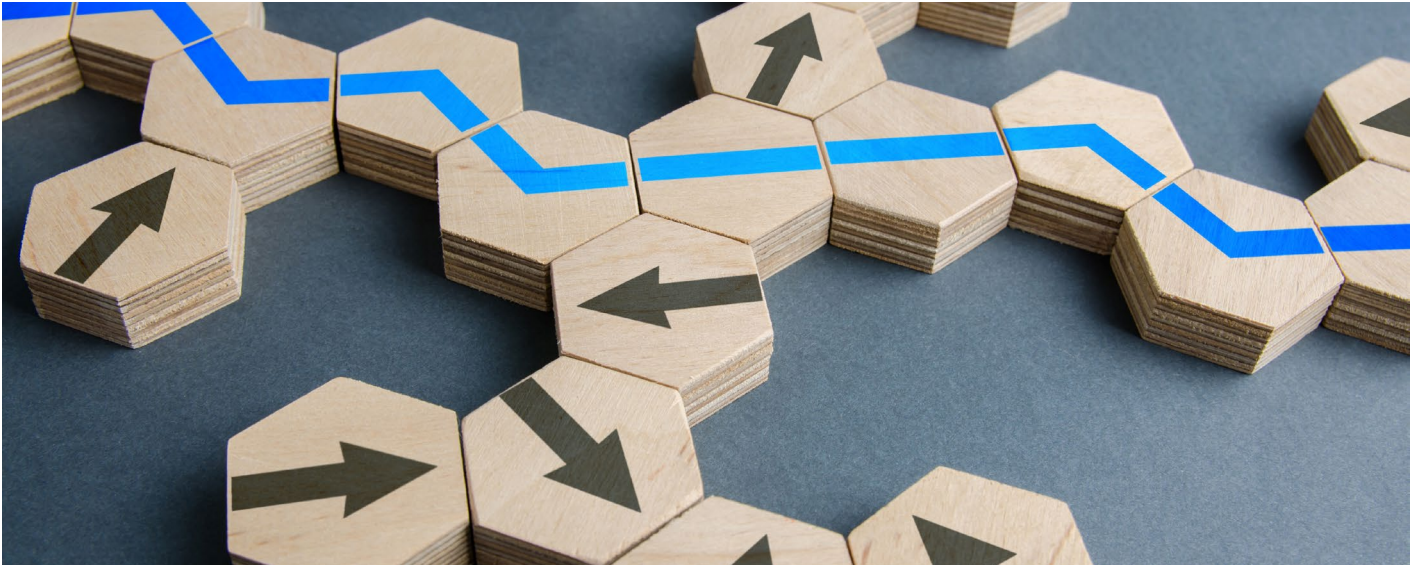
daily basis. The nature of what we do, where we do it and how our workforce operates means we had to constantly reassess, change, sway — keeping an awareness of both government policy and what was happening on the ground. I had to make decisions and I didn’t have the luxury of a week to think about it! The business was looking to me to guide them through the crisis, so I had to wear a lot of hats: provide the answers the organisation was looking for and support for the people on the ground facing daily risks. It was very hands on and I often had to think on my feet, using a lot of the softer skills that come with being an advisor and business partner. At the time it felt like being a chameleon — I adapted to the environment I found myself in and had to quickly assess whether it was time to dodge or stand my ground. It all comes back to the sponge analogy — you need to be willing to learn, even from younger members of the team and I had to be willing to change direction and flex my approach as the crisis unfolded and the needs of the business changed.

In your experience, are these skills and characteristics something that someone can develop and enhance over time, or do they require a more inherent aptitude?

I do believe these are skills that can be developed, but in my experience they all require a level of personal awareness, so you’d need a certain level of emotional intelligence for that development to happen. And without an inherent ability (and desire) to learn, to grow, to adapt, you’ll likely struggle.

With so much going on, how do you stay current with the evolving legal landscape, and what role do you think continuous learning plays in the success of a General Counsel?

As a GC you have to continuously learn. I utilise everything and everyone around me. The nature of my role means I’m involved in everything, so I need to stay up to date with things like employment law, data protection, construction law, dispute resolution and all the other things that enable me to be a true business partner. I make a point of staying close to what I think is important now, whether that’s keeping up with insolvency reports, attending training courses, or reading the trade press. It’s so important to me that I now carve out time specifically for learning, and I’ll always spot opportunities to ask external counsel to come in and provide some training or ask other members of my



team when I think they have skills or knowledge that I can benefit from.

How do you manage stress and maintain a healthy work-life balance as a General Counsel?

As a GC there's always an element of firefighting and it can feel as though 23hrs a day are dedicated to work, which is why it's so important to make time for you. It may be a cliché, but it's true and the benefits are enormous. Everyone will have their own way of doing this, but for me, it means committing to going to the gym 3 times a week. To guarantee that I don't miss a session I make sure that I'm there by 6am. This works for my family and the reality is that it's the only way I can fit it in. I've had this routine in place for a year and a half now, and consistency really does breed good habits. I've noticed a significant shift not just in how I feel when I'm there, but in my lifestyle as a whole: I eat better, deal with stress better and because it's my own time, if I really don't feel like working out — I just sit in the sauna and relax.

Can you share a mentorship or learning experience that significantly influenced your growth as a General Counsel?

The first GC I worked with, David McLurgh, was the person who really set me on this path. He spotted my potential as a junior in-house lawyer and persuaded me to make the move from employment to construction. He was a sponge and he taught me how to be 1 too — continuously learning and changing to make the most of every situation. I try to embody a lot of what he did for me both in my day-to-day work as well as in the way that I lead my team.

Finally, what advice would you give to aspiring legal professionals who hope to become successful General Counsels in the future?

This is a tough one. Ultimately, you have to be willing to manage up, down, and sideways. I sometimes joke that you're not always going to be right even when you're right, and by that, I mean that being legally right is not always the right answer for the business. So going back to the multiple scenarios piece that I mentioned earlier in this interview, to

be successful as a GC you need to be able to prepare for all eventualities, assess the risks and potential outcomes, and not be afraid to make decisions that may mean changing your course. You also need to be able to impart legal information to non-legal people who often have little to no interest in the law at all; they just want to be able to achieve a specific result. It all comes down to being human and offering workable, win-win solutions.

The last thing I would say is that it's vital to find sponsors and mentors within the business who will support you and push you forwards. It's so important to build a peer group and as your career develops, this becomes even more valuable. I'm still close with some of the solicitors from my private practice days and really appreciate having a sounding board for ideas or concerns — it's a circle of trust. You can't predict the future, but having a support network within law means you'll be surrounded by people who just get it, no matter where your career takes you.

Brenda Msi, Legal Director, from Kone in conversation with [Stuart Ponting](#), Partner at Walker Morris.



Five in 5

In each edition of Illuminate, our team of experts shine a light on key priorities for GCs and in house teams.

1 The latest on AI

“The key regulators published their [strategic approaches to AI](#), providing updates on their ongoing and future planned initiatives. The Information Commissioner’s Office has been consulting on various aspects of how data protection law applies to the development and use of generative AI — recently [warning](#) organisations developing or using gen AI that they must consider data protection from the outset.

“We’ve also seen the government publish [guidance](#) on procuring and deploying AI responsibly in HR and recruitment as part of its [responsible AI toolkit](#), and a [webpage](#) for organisations to find out what AI assurance is and what effective AI assurance techniques they can use. And the National Cyber Security Centre recently [updated](#) its AI machine learning security principles.

“The Council of the EU gave the final green light to the landmark EU AI Act and it’s expected to enter into force shortly. In-scope organisations — in the EU and elsewhere — will have 2 years to comply with most of the Act’s provisions and are encouraged to participate in an [AI Pact](#) to bridge the gap before full implementation. Crucially, UK businesses may be subject to the Act if they deploy AI in the EU. We’ll be producing commentary and guidance on what you need to know. The present UK government has no current plans to specifically legislate.”

- Sally Mewies, Head of Technology & Digital

Who does this impact? ? Board and senior management, Risk, HR, IT, those responsible for data protection and cyber security.

When? For UK regulation, work is ongoing and the outcome of the general election may affect future developments in this area. Most EU AI Act provisions will apply in 2 years’ time.



2 Corporate transparency and economic crime reforms

“Significant reform is coming for UK listed companies. The FCA’s final changes to the listing rules are expected imminently, as part of a package aimed at making the UK more attractive to a wider range of companies. They include a new ‘commercial companies’ category for equity share listings, a shift to a disclosure-based regime, and removal of the requirement to obtain shareholder approval for transactions meeting current Class 1 thresholds.

“On the economic crime front, we’ve been waiting for the government to publish its guidance on the UK’s incoming ‘failure to prevent fraud’ offence, but publication’s been delayed due to the general election. With implementation expected to take place 6 months after publication of the guidance, we’re now looking at a date sometime early in 2025, subject to the direction of the new government.

“One area where we’re seeing increased activity is investor group actions being brought against companies over drops in share price. This is part of a wider trend of group litigants seeking to bring ever more innovative and novel claims before the courts. Watch this space.”

– Michael O’Halloran, Partner, Corporate

Who does this impact? For listing reforms, Finance Directors; for economic crime, Board and senior management, Risk, Finance, Learning & Development.

When? The listing reforms could be unveiled as soon as July 2024, with implementation a couple of weeks later; failure to prevent fraud offence not until 2025.

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“The Digital Markets, Competition and Consumers Act was passed before Parliament was dissolved. It will significantly expand the Competition and Markets Authority’s (CMA) powers to enforce consumer protection laws, allowing it to impose fines of up to 10% of worldwide group turnover on businesses that break the rules. There’s a new regulatory regime for digital markets, allowing the CMA to impose additional conduct requirements on firms with ‘strategic market status’ and to make ‘pro-competitive interventions’, including divestment of businesses, where markets aren’t functioning properly.

“In relation to merger control, the Act gives the CMA jurisdiction to review a transaction where 1 party has a share of supply of 33% or more and UK turnover of £350 million and the other has a UK nexus. The turnover threshold for CMA jurisdiction increases from £70 million to £100 million, and any transaction where both parties have UK turnover of £10 million or less is excluded from CMA jurisdiction.

“We’ll be publishing further guidance on how to prepare for these changes once regulations are passed establishing a commencement date for the Act.”

– Sarah Ward, Partner, Competition

Who does this impact? Board and senior management, Risk (enforcement of consumer protection laws), M&A team (merger control).

When? The Act is expected to come into force in the autumn.

3 Climate reporting and sustainability

“Climate transition planning is a key area where businesses can demonstrate their sustainability credentials. The government recently published a policy paper on the framework and terms of reference for the development of UK sustainability reporting standards (the aim is to progress endorsement and implementation of UK standards in 2025), and an update on the wider work programme to develop a Sustainability Disclosure Requirements (SDR) regime in the UK.

“Companies are encouraged to familiarise themselves with the International Sustainability Standards Board (ISSB) standards (on which the UK standards will be based) and may wish to start reporting voluntarily against them.

“As part of the SDR regime, the Transition Plan Taskforce (TPT) published its final sector guidance for preparers and users of private sector climate transition plans. The TPT also published a final set of transition plan resources to help businesses unlock finance for net zero.

“We’ve also seen the Financial Conduct Authority (FCA) introduce a package of measures to improve the trust and transparency of sustainable investment products and reduce greenwashing. Affected firms should familiarise themselves with the new rules and associated guidance to ensure compliance.

“In other news, Biodiversity Net Gain (BNG) is the big issue at the moment for all businesses owning or developing land. BNG is a new compulsory condition on planning permissions that came into force earlier this year for major developments and marks 1 of the biggest changes to planning in over 30 years. The Institute of Environmental Management and Assessment recently published new guidance for practitioners.”

– Ben Sheppard, Partner, Infrastructure & Energy

Who does this impact? Board and senior management, those responsible for climate-related issues. The anti-greenwashing rule applies to all FCA-authorized firms that make sustainability-related claims about products and services. The investment labels, disclosure and naming and marketing rules apply to UK asset managers, and there are targeted rules that apply to distributors of investment products to retail investors in the UK.

When? The anti-greenwashing rule came into force on 31 May 2024. Firms can use the labels from 31 July 2024. The naming and marketing rules come into force on 2 December 2024 and further disclosure requirements will be phased in over the next 2 years. Mandatory BNG has applied to new major developments from 12 February 2024 and to small sites from 2 April 2024. It’s expected to apply to Nationally Significant Infrastructure Projects from November 2025.



4

Developments in employment law

“Developments in employment law keep on coming. April 2024 saw changes to holiday pay, the largest ever increase in the national minimum wage in cash terms, and confirmation of new paternity leave rights. All employees also now have the right to ask their employer if they can work flexibly from their first day of employment, with Acas publishing its new [Code of Practice](#) and accompanying guidance for employers and employees on flexible working. In addition, a new duty on employers to take reasonable steps to prevent sexual harassment will come into force in October 2024. Employers should review their policies and procedures considering these changes.

“In relation to business immigration, the Home Office introduced [significant changes](#) to the Skilled Worker sponsorship regime, as part of the government’s wider drive to reduce net migration. The Home Office also recently [confirmed](#) changes to the EU Settlement Scheme, to bring greater clarity for those required to check immigration status, including employers, and released [new guidance](#) on carrying out right to work checks.

“The Labour Party published its [new deal for working people](#). It’s committed to introducing legislation, within 100 days of taking power, targeted at increasing individual employment rights and strengthening trade union rights, while at the same time saying that it will help business. With the party ahead in the polls, we recently [considered](#) what a Labour election victory would mean for employers. Steps you can take now include reviewing the proposals, identifying the areas most likely to have the biggest impact on your business and current practices, and assessing what practical measures might be required now and in the short to midterm.

“In other news, the 4 Day Week Campaign and think tank Autonomy launched ‘[4ugust 2024](#)’, a new initiative for organisations to trial a 4-day week during the month of August. We therefore certainly haven’t seen the last of the changing world of work!”

- Charlotte Smith, Partner, Employment & Sport

Who does this impact? Board and senior management, HR, Risk, Finance, Payroll, Learning & Development.

When? This April a raft of changes came in. Future changes depend on the outcome of the general election.



5

Data protection and cyber security

“We were expecting changes to data protection law and updated regulatory guidance as a result of the Data Protection and Digital Information Bill. With the Bill ultimately failing to progress due to the general election, it remains to be seen how data protection law may develop in the next Parliament.

“The Information Commissioner’s Office (ICO) is expected to consult on updated guidance on cookies and similar technologies later in the year. The ICO recently [warned](#) that organisations must do more to combat the growing threat of cyber attacks. This follows publication of a report setting out practical advice and case studies for organisations to understand common security failures and take simple steps to improve their security.

“On the subject of cyber security, the National Cyber Security Centre continues to publish a raft of guidance and resources. They include: a [blog post](#) on ransomware attacks and loss of control of data; [joint guidance](#) with the insurance industry to help organisations faced with ransomware demands minimise disruption and the cost of an incident; and [guidance for CEOs](#) on how to manage a cyber incident.

“We’ve also recently seen the government [announce](#) new codes of practice to enhance cyber security in AI and software. They’re currently being consulted on. With half of businesses reporting cyber attacks or breaches in the past year, it’s essential to remain vigilant and ensure the necessary protections are in place.”

- Andrew Northage, Partner, Regulatory & Compliance

Who does this impact? CEOs, Board and senior management, Risk, IT, those responsible for data protection and cyber security.

When? Ongoing; updated cookie guidance later in 2024.



Want to say hello?

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and events direct to your inbox, or find out more on our hub.

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