



PRIVATE CLIENT
— SOLICITORS —

PRIVATE CLIENT SERVICES
FOR PERSONAL INJURY
AND MEDICAL
NEGLIGENCE AWARDS



Private Client Services for Personal Injury and Medical Negligence Awards

Our specialist and approachable team of Court of Protection, Trust and Will solicitors can work with you to help your clients pre and post settlement to put their affairs in order.

Not only can we assist adult clients with capacity, but we can also assist minors and protected parties (via their litigation friend) to put appropriate measures in place.

We offer peace of mind with clear advice and practical solutions. Whether it's establishing a Trust for the first time, dealing with the Court of Protection or acting as a professional trustee / deputy, our team are here to help with trusted, tailored advice.

We take time to understand your client's circumstances, needs and wishes. Once we have established how we can help, we will usually be able to give you a fixed fee quote so that there are no unwelcome surprises.

All of our lawyers are STEP qualified (the Society of Trust and Estate Practitioners) or working towards STEP qualification (if more junior) to ensure that the advice we provide is at the highest standard within the industry. We are one of the largest Private Client teams in the North West, rank Band One in the "Chambers High Net Worth Guide", feature in the "Legal 500" and appear in the "The Times Top 250 Law Firms" in the UK. Our head office is in Manchester City Centre but we service clients nationally and internationally. →

Meet our Partners



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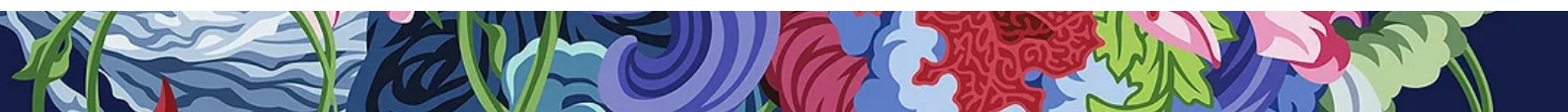
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For business relationship enquiries, contact Ryan Lewis

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SERVICES FOR SOLICITORS AND BARRISTERS

We have established a significant reputation for advising and assisting individuals, their families, carers, trustees, beneficiaries and other professionals on a broad range of issues relating to personal injury trusts, capacity and deputyships.

Our highly experienced, dedicated team can:

- Act as a professional Deputy, Attorney or Trustee
- Act as an Expert Witness in relation to professional costs.

Professional Deputyship, Attorney and Trustee services

Acting as an Attorney, Court of Protection Deputy, or a Professional Trustee can be challenging, especially if you are managing complex issues related to your client's personal injury litigation. As experts in Deputyship and Personal Injury Trusts, our specialist team can help you and your clients, offering experience, expertise and empathy.

Where an individual is compensated for a personal injury, there may be substantial funds awarded. These will require skilful management in order to provide the care and support needed for the duration of the lifetime of that individual. Taking the wrong course of action or failing to act could have a significant impact on your client and their families future financial security.

Emotional and financial conflicts related to family circumstance and medical conditions can put great pressure on an Attorney, Deputy or Trustee and each role brings significant responsibilities and legal obligations such as to comply with the commitments expected by the Court of Protection outlined in the Deputy Declaration or placed upon a Trustee by the Trustee Act. These are detailed and complex areas of law.

If Deputyship or Personal Injury Trusts are not your specialism, then the particular challenges of working long term with families and coordinating care with medical and other support professionals can be time consuming and problematic.

Our team can help you with the Deputyship and Trust aspects of litigation including projections in relation to administration costs, on an informal basis or by way of a witness statement, joint discussions and if necessary, attendance at court to give formal evidence. We can also help with record keeping to assist with your schedules and budgeting in relation to interim payments.

Our expertise can reduce the burden on you, enabling you to concentrate on the complexities of litigation.

We will undertake any work on Deputyship matters at the SCCO set hourly rates for Manchester which are considerably lower than the rates charged by firms in London which, over many years, will make a substantial difference to the funds available to your client.

Expert Witness services

Our specialist team can assist with expert witnesses and collate the necessary reports to assist with your client's personal injury claim. We provide expert witness statements, in both personal injury and medical negligence cases, detailing the costs of a professional deputy to act throughout the lifetime of the claimant.

Statutory Will

One of the key criteria for making a valid Will is that the testator has 'testamentary capacity' at the time of signing the Will. Testamentary capacity, in brief, means that the individual understands the effect of making a Will, the extent and value of their property and the persons for whom they should be providing.

Where an adult lacks capacity to make a Will themselves and it is considered to be in their best interests to make a Will or to change an existing Will, it is possible for the Court of Protection to authorise the signing of a Will on their behalf. Such a Will is often referred to as a 'statutory Will'. It is not possible for an Attorney appointed under an Enduring Power of Attorney or a Lasting Power of attorney (LPA) or for a Court of Protection Deputy to sign a Will on behalf of an incapacitated individual without the court's specific approval.

Our solicitors are experienced at reviewing the clients needs and family circumstances and discussing appropriate Will provisions which they may need to put in place, especially as a result of any substantial award. A lot of families have the misconception that any funds remaining from the financial award are returned after death and are not aware that the funds would actually be distributed in accordance with the intestacy rules or existing Will.

A statutory will application is something which should be considered as part of holistic planning for any anticipated award.

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SERVICES FOR SOLICITORS AND BARRISTERS

Personal Injury Trusts

We assist clients to establish and manage personal injury trusts for compensation and insurance payouts.

Funds held in personal injury trusts are not considered for means-tested benefits. That means people can continue to access all the government and local authority help they need, whilst damages payments are ringfenced for the clients use.

We have a vast amount of experience supporting people to consider, create and manage trusts, following compensation awards for clinical negligence and catastrophic injury. As well as creating the appropriate Trust deed, we'll also assist with opening the Trustee bank account.

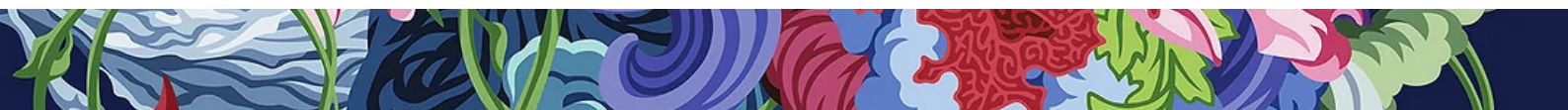
For a more detailed look at Personal Injury Trusts, we have produced a Frequently Asked Questions guide. If you'd like a copy of this, let us know and we'll gladly furnish you with a copy.

Trustee / Deputyship Banking

We are able to assist your clients to establish a trust and open an accompanying trust bank account. Our charges to prepare the applicable trust deed and associated documentation will depend on the type of trust required. Please contact us for a fee quotation.

For clients who have already established a trust but are yet to open a trust bank account, we can offer a fixed fee review service. Provided that all is in order with the trust documentation, we can thereafter assist to open a trust bank account. Please contact us for a fee quotation.

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SERVICES FOR CLIENTS AND THEIR FAMILIES

Court of Protection (“COP”)

If an accident or situation occurs whereby someone is alive but no longer has the mental ability to deal with their affairs (and does not have a valid Lasting Power of Attorney in place) then an application to the COP is required. This could be an urgent application or a general application. There are also other situations where an application to the COP may assist your clients who have already lost capacity (and may well have an Attorney acting) for instance, to undertake some gifting, inheritance tax planning or have a new statutory will put in place.

We are happy to assist your clients and their families in relation to all issues where a loved one has lost capacity. We will act as professional Deputies where required or merely guide your clients through the process to obtain an Order. We will deal with all COP matters on the hourly rates set by the COP which are significantly lower than our usual charge out rates.

Our Team of Experts are Here to Help You Navigate the Challenges that Appointing a Court of Protection Deputy or a Professional Trustee can Pose.

Sorting the finances of someone who has a mental impairment whether through a serious accident, professional negligence, mental illness, dementia or a learning difficulty can be complex, particularly when they involve a large award of compensation or valuable assets. It's even more difficult when there are family pressures and emotion is involved.

In many cases the following may apply:

- The responsibility of selling, purchasing or adapting a property
- Finding and employing suitable staff
- Care and budgeting needs
- Financial management and investment
- Strict reporting to the Public Guardian

Our specialised professional Deputyship and Trustee service takes the stress away for you. Our experienced team handle each case with compassion, guiding you through the process every step of the way. Over the years we've helped many families and built strong relationships with each one. We know the challenges you'll face. We'll continually work together to get the very best outcomes.

Are You Acting as a Deputy or Trustee?

Acting as Deputy or Trustee is an enormous responsibility and can be extremely challenging.

Our team are here to assist you in all areas, particularly management of the financial matters. We'll ensure the correct financial support is being obtained and can help in all areas from large commitments such as adapting a home, to day-to-day financial matters and obligations like tax returns and accounting documentation. We can provide guidance on decisions which need to be made and make any applications to the Court which may require additional approval.

Furthermore, we ensure the person you represent gets the benefits they're entitled to and that any care costs and support are correct and suitable.

We have a dedicated network of professionals and organisations we liaise with and call upon to ensure you are supported in the very best way.

Will Writing

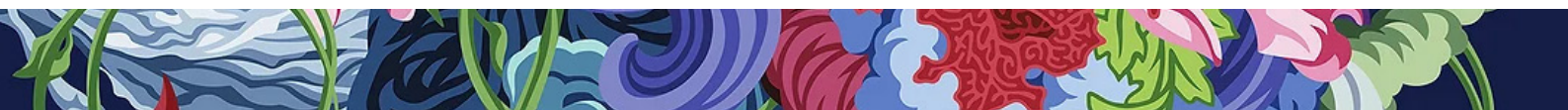
Our solicitors can assist your clients to put in place or update their Will. If your client already has a Will in place we can offer to undertake a free review to give them, and you, reassurance and peace of mind that all is in order.

If a client dies without leaving a Will, there is a risk that the client's preferred beneficiaries do not inherit. Equally, there is a risk that the investments that you manage disappear to unknown beneficiaries. Effective estate planning should therefore start by making a Will.

A Will can provide many benefits, such as:

- **Control over who administers and inherits the estate** — without a Will, the Intestacy Rules direct how the estate is administered and who inherits the assets. This could be extremely detrimental for unmarried cohabiting couples, unmarried couples with children, or couples with children from previous marriages or relationships. A Will allows an individual to make provision for those who they wish to inherit and allows them to appoint Executors and Trustees (and Guardians where applicable) to ensure the most appropriate individuals administer and inherit the estate.
- **Reduce an Inheritance Tax liability** — depending on the client's circumstances, a Will can incorporate

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a tax efficient trust structure to minimise a client's Inheritance Tax liability and/or provide a structure to pass wealth across the generations.

• **Protection minor or vulnerable beneficiaries** — a Will could create a trust structure to ensure that minor or vulnerable beneficiaries may inherit in the most appropriate way

Will Review

We recommend that a Will is reviewed every three to five years. This is to ensure that the document remains appropriate to a client's individual circumstances, which may change over time.

We are pleased to offer your clients a free review of their Will to either provide peace of mind, or to set out any changes that would benefit the client and his/her family.

Lasting Powers of Attorney

A Lasting Power of Attorney ("LPA") is a document which appoints and provides an attorney, or multiple attorneys, with the appropriate authority to manage a client's "Property and Financial Affairs" and/or "Health and Welfare".

Both versions of the LPA are equally as important to the client.

There are a number of reasons where a Lasting Power of Attorney may be required, such as:

- a temporary scenario, should your client be involved in an accident or be otherwise temporarily incapacitated
- a longer-term scenario, should your client be diagnosed with dementia or Alzheimer's where it could be reasonably expected that there may be a time in the future where the client lacks capacity to make their own decisions.

From the perspective of a financial advisor or wealth manager, an LPA to cover "Property and Financial Affairs" is essential to ensure that, irrespective of your client's circumstances (such as a temporary or permanent loss of capacity), you may continue to act on their behalf either directly or via the appointed attorney.

If a client does not have an LPA, an appropriate individual would have to apply to the Court of Protection to be appointed as your client's Deputy. This can be a costly process that could take more than six months to complete.

At PCS, we can assist your clients to choose and appropriate attorney, and put the Lasting Power of Attorney documents in place.

Estate Administration

Sadly, if your client or a member of their family has passed away, we can assist with the administration of their estate dealing with HMRC, arranging payment of inheritance tax, making the application to the Probate registry and the intricacies of the individual's financial affairs ensuring distribution of the estate in accordance with their Will or the intestacy rules. Unlike other firms, we do not charge a percentage of the estate nor an uplift for HNW estates – we merely charge our time spent on the matter or, once we have all the facts, we will deal with the estate for a fixed fee.

Private Client Solicitors have many years' experience of dealing with all issues relating to wills, estate administration, powers of attorney and issues that involve the Court of Protection. Contact us now to arrange a free, confidential meeting in which we can discuss how we can help you.

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