



PRIVATE CLIENT
— SOLICITORS —

PRIVATE CLIENT SERVICES
PROFESSIONAL DEPUTYSHIP,
ATTORNEY AND
TRUSTEE SERVICES



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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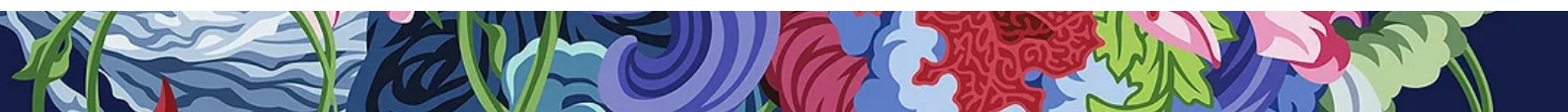
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For business relationship enquiries, contact Ryan Lewis

Client Relationship Director

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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.

Professional Trustee

By acting as a trustee, an individual takes on significant legal responsibility. As a trustee is subject to fiduciary duties, once it is noted that failure to perform a duty can constitute a breach of trust, the position can become overwhelming to a lay trustee. Therefore, in certain circumstances, it may be advisable for your client to consider the appointment of a professional trustee.

We are regularly appointed to act as a professional trustee, on a variety of trusts, and in differing scenarios. Where a Partner of Private Client Solicitors is appointed as a professional trustee, your client can expect the trust to be administered in a professional and diligent manner, and for the client (either in their capacity as the beneficiary and/or as co-trustee) to feel supported by an experienced, and approachable, professional.

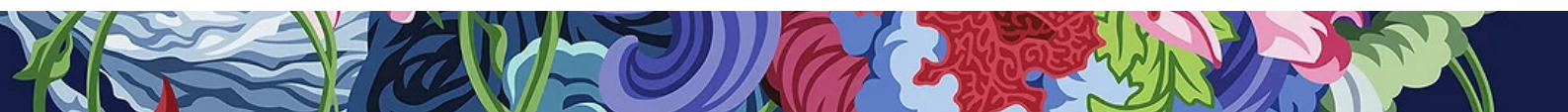
Our fees for acting as a professional trustee are charged on our hourly rates. Our current hourly rates (for year 2023/24) are:

Partner	£425.00
Senior Associate	£375.00
Associate	£350.00
Solicitor	£300.00
Senior Paralegal / Experienced Fee-Earner (5 yr +)	£250.00
Trainee Solicitor / Junior Apprentice	£200.00
Paralegal	£170.00
Legal Assistants (Juniors)	£150.00

By charging in this manner ensures that the trust is only charged for work that is actually carried out (compared with alternative charging structures such as a fixed fees or charging on a percentage basis).

As our professional trustees are supported by a team of solicitors and other legal personnel, the professional trustee can ensure that our overall charges remain appropriate and under control by ensuring that an appropriate grade of assistant, who will be charged at a lower hourly rate, assists on certain tasks.

Once we have had an opportunity to discuss the trust (or proposed trust) with you and/or your client and gained an understanding of the expected trust transactions over a given trust year, we can provide an estimate of our overall annual charge. This is typically calculated by estimating the time to be spent administering the trust and multiplying this time by the hourly rate of the professional or assistant likely to be involved. →



Principal trustee duties

The key duties of trustees are:

- Duty of care – a trustee must exercise reasonable care and skill when carrying out their role. This includes, for example, a duty to work with fellow trustees (if there are any) and to actively consider and select appropriate investments (upon taking advice as appropriate) which are in the best interests of the beneficiaries. A professional trustee (e.g. an accountant or lawyer) is held to a higher standard of care than a “lay” (i.e. non-professional) trustee.
- To follow the terms of the trust and take control of trust assets – a trustee must be clear on the terms of the trust, comply with its terms and secure all trust assets.
- To act impartially between beneficiaries – a trustee must not favour one beneficiary over another and competing interests should be balanced. For instance, where there is a life tenant with an interest in the income of the trust and other beneficiaries with an interest in the capital - neither should benefit to the detriment of the other.
- To provide information and accounting – a trustee must keep clear and up to date accounts for the trust and provide beneficiaries with core information about the trust.
- To avoid conflicts of interest – a trustee should ensure that their personal interests do not conflict with their role as trustee to act in the best interests of the beneficiaries of the trust.
- Not to make an unauthorised profit – the trust instrument may however permit a trustee to charge for their services.

Trustee powers

The powers of trustees are provided by law and will also normally be added to or varied by the trust instrument. Typically they have the following powers:

- Power to invest – a trustee has authority to invest the trust funds having regard to the investments' suitability and the likelihood it will benefit the trust.
- Power of delegation – a trustee is able to instruct professional advisers where necessary and appropriate.
- Power of insurance – a trustee has the power to insure any trust asset against damage.

- Power of advancement – a trustee has discretion to advance capital of the trust to a beneficiary.
- To be paid for their work – where they are a professional trustee, such as a solicitor or accountant.

Should you or your client welcome a conversation with one of our professional trustees, we would be pleased to arrange an initial meeting on a no-obligation and free of charge basis.

Professional Deputyship & Attorney Administration

Administering professional Attorneyship and Deputyship appointments to ensure our clients are looked after and their needs met at every opportunity.

Individuals will usually choose to appoint family members or close friends as their attorneys, however that is not always possible or appropriate for a variety of reasons. It is therefore also possible to appoint a professional as an Attorney, or to apply to the Court of Protection for a professional Deputy to be appointed if the individual has already lost capacity. The professional will be able to use their knowledge and skills to administer your affairs in an efficient and appropriate way, ensuring that your best interests are kept at the heart of the matter.

Why appoint a Professional Attorney/Deputy?

Experience and knowledge

Professional attorneys and deputies will be used to dealing with similar cases and will therefore have specialist knowledge in the relevant areas, such as care provision, care funding, taxation and succession planning. They will also have a trusted group of professional contacts and advisors who can assist with your affairs as appropriate. Very often family and friends will not have such knowledge, and this can prove difficult when having to navigate the administration of a person's affairs.

Compliance with the legal duties of being an attorney or deputy

Attorneys are required to follow rules and regulations in exercising their appointment. Should an Attorney be found to breach one or more of these rules, it can lead to difficulties, or in the worst-case scenarios, lead to the Attorney being removed from their position. Professional Attorneys and Deputies will be fully aware of their rights and responsibilities, and this can then ensure that the administration of the affairs is carried out in the correct way, ensuring your best interests are followed at all times.

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Family members or friends are not in a position to act

Whilst you may have family members or friends who would like to act, they are not always in a position to. They may live overseas, have health issues or difficulties of their own or may not be financially independent or have sufficient knowledge of the areas needed for you to entrust them with the responsibility.

You may also have concerns that your wishes may not be followed, or alternatively, you may not wish to burden them with such an appointment. It is well known that family members or friends can disagree and when decisions about a loved one are required, emotions can run high, and disputes are common. You may be in a position where you do not have those trusted individuals who could manage your affairs if you were unable to.

Professional attorneys must act impartially and can make decisions without the influence of family history. The appointment of a professional attorney either to act on their own, or to act with a family member or friend, could be a sensible choice, if any of the above factors are relevant.

How we can help

Private Client Solicitors has an experienced and committed team who administer professional Attorneyship, Deputyship and Trustee appointments. Our dedicated team strive to ensure that all of our clients are looked after and their needs met at every opportunity.

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.

PCS Trust Corporation Limited

We have also established a trust corporation. The mechanics of the trust corporation are such that, whilst PCS Trust Corporation Limited is appointed the professional deputy or trustee, a named director will be the custodian and has the personal relationship with the client and family.

A particular advantage of this is that if a director is on holiday or unwell, another director is immediately available to execute decisions for the client, ensuring speed of response so as to prevent any unnecessary delays. Other benefits for our clients include;

- **Continuity** – new trustees are never needed as a trust corporation never dies, goes on holiday, gets ill or retires. This can create substantial savings in professional fees: each time an individual trustee retires and a new trustee appointed, a deed needs to be created and the assets of the trust have to be transferred, whereas with a trust corporation the appointment and retirement of directors will not affect the assets within particular trusts.
- **Availability** – individual trustees aren't always available due to holidays and other commitments, but a trust corporation will always be available.
- **Professionalism** – trust corporation signatories will be senior members of the private client department of the firm who deal with trusts and estates every day.
- **Security of clients under the Trustee Act 2000** – a trust corporation owes a higher duty of care to the beneficiaries than a lay trustee.

This note is not intended to give specific legal advice and is prepared by Private Client Solicitors Limited trading as Private Client Solicitors, a limited liability company registered in England and Wales under registration number 13481981. Registered office: Centurion House, 129 Deansgate, Manchester, M3 3WR. Authorised and regulated (under SRA number 823744) by the Solicitors Regulation Authority.

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