



Practical support for families

From our specialist Court of Protection team

It is always difficult when loved ones lose the capacity to manage their own affairs. The situation can be worse when it happens suddenly as the result of an injury rather than being a gradual process due to age.

If the loss of capacity is from an injury and there is a compensation claim being made, financial and other general management can become overwhelming. There are many issues that will need to be dealt with including some or all of the following:

- Tax
- Investment of any damages awarded and monitoring of the ongoing performance of the investments
- Liaising with Case Managers in respect of carers and support workers and any ongoing needs
- Dealing with the payroll of any carers who are employed
- Making an application to the Court for a Deputy to be appointed
- Payment of day to day bills
- Preparing annual accounts for the Court of Protection
- Setting budgets for expenditure and monitoring these
- Considering possible adaptations to a property
- Applying for all appropriate benefits and support, and considering the possible use of a Trust to protect any entitlement to statutory funding
- Obtaining approval from the Court of Protection for expenditure on certain items
- Preparing a Will on behalf of the client and, where necessary, making an application to the Court for a Statutory Will
- Planning for funding of residential or care homes where needed.

Each individual and their family will have different needs but many will find the situation much easier to cope with if they have help in dealing with the financial and administrative issues. This leaves family members free to concentrate on the practicalities of looking after the person who is no longer fully independent on a day to day basis.

“Our aim is not to control clients’ lives but instead to empower clients and their families to make appropriate decisions and to remove the administrative burden from them at what is already a difficult time.”



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The level of our involvement varies greatly depending on a client's circumstances.

- In cases where there is a damages award being pursued, it is usually possible to claim the cost of a professional Deputy to be appointed. In these cases there are often very complex financial affairs that need to be managed and it can be a very onerous and demanding role for a family member to undertake. We normally apply to appoint a partner within the firm as the Deputy. Two of the firm's partners, Tom Cook and Robert Chalmers, are on the Office of the Public Guardian Panel of Professional Deputies. Even when a professional Deputy is appointed we still fully involve the client and their family in all decisions that need to be made.
- In other instances, usually elderly clients, we can provide support to a family member who is appointed as the Deputy.
- With elderly clients it may be that a relative, or one of the partners in the Kester Cunningham John Wealth Management Team, has been given an Enduring or Lasting Power of Attorney, and requires administrative support with some aspects of financial management.



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Who are our clients?

While many of our clients have come from the Kester Cunningham John personal injury and clinical negligence teams, we also receive referrals from Case Managers, other firms of Solicitors, Barristers, Financial Advisers, and Residential and Nursing Homes. As result, we have clients throughout the UK.

If you would like to discuss how our Court of Protection team could help you, please contact Adrian Mundell on 01842 768778 or adrian.mundell@kcj.co.uk



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Solicitors

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