



Practical support for families

It is always difficult when a family member loses the capacity to manage their own affairs and it can be even worse where it happens suddenly as the result of an injury. Inevitably there is a lot that a family will have to deal with and our aim is to provide support to family members to help reduce the stresses and worries that they will inevitably be facing.

In cases where the loss of capacity is due to an injury there is likely to be a compensation claim being made and with all the aspects of support that may well be needed, the management of someone's finances can become overwhelming. In nearly all cases that we see, family members want to dedicate their time to being with the injured person, supporting them and spending quality time with them, rather than having to deal with financial and administrative issues.

Everyone's individual and personal circumstances are different as are their needs and family background. It is important that they have in place the appropriate levels of support to help themselves and their family.

Our specialist team have many years' experience in supporting clients and their families in managing their affairs and, through our extensive contacts, seeking to get in place the support that an individual needs to help improve their quality of life.

If someone lacks mental capacity to manage their own affairs then the appropriate route is to seek the appointment of a Deputy under the Court of Protection to help them. In cases where there is a compensation claim, the Deputy is usually a professional who works alongside the injured person and their family, together with other professionals, to put in place the best possible support network for them.

There can be many aspects to the work of a Deputy and the following are areas where we are often involved:

- Making applications to the Court of Protection
- Tax returns
- Payroll and employment of care teams
- Setting of budgets with clients, family and other professionals and monitoring these
- Arranging investment of a damages award through a specialist independent financial adviser
- Payment of day to day bills
- Preparation of annual accounts and reports
- Liaising with case managers and other professionals in respect of care teams, therapists and other needs
- Purchase of new properties
- Working with architects and others in getting properties adapted to meet a person's needs
- Consideration of statutory funding availability
- Dealing with benefits applications
- Ensuring availability of funds to meet a person's day to day needs.

This list gives an idea of what may be involved but is not exhaustive and the work can involve many different areas of a person's life. Our aim is to try to provide the support and guidance to an injured person and their family to allow them the best quality of life and to promote their independence and rehabilitation as far as possible.



The level of our involvement varies greatly depending upon each client's individual circumstances.

- In cases where there is a damages award being claimed it is usually possible to claim the additional costs of a professional Deputy being appointed. In such cases we will provide evidence to the solicitor dealing with the claim to enable them to ensure that these costs are included.
- In such cases it is usual to appoint a professional Deputy to undertake what can be quite a time consuming and onerous role and we would look to appoint someone from Ashtons Legal with the experience and expertise in dealing with such cases.
- Even when a professional Deputy is appointed, they have to involve the injured person and their family fully in any decisions that are made. This is a requirement of the Mental Capacity Act 2005 which is the legislation covering the role of a Deputy.

Who are our clients?

Our clients are based throughout the whole of the country and are referred to us by various people including other solicitors who may be dealing with a claim, case managers who may be supporting a client, barristers, financial advisers, care providers and many more. The location of our clients is not an issue as we will travel to see clients and their families wherever they are based. Much of the ongoing communication is then undertaken by way of phone, email, letter and so on.

The Next Step

One of the key issues for any client and their family is that they are able to trust and develop a close working relationship with whoever is acting as their Deputy. The only way that they can make a decision on this is to meet and talk to the individual first.

We are always happy to come out and meet clients and their families in their own homes to talk to them about how we may be able to support them and to see if they feel that they would like us to help. This is done on a completely free, no-obligation basis so that there is no pressure on clients, but which allows them to make a fully informed judgement about how they want to proceed.

More information

To discuss how we can help you, please contact us:

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