

WRIGLEYS  
— SOLICITORS —

Court of Protection  
&  
Legal support for  
Injured, Disabled or  
Vulnerable people

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Wrigleys specialise in working closely with vulnerable clients and those who have suffered a serious accident, injury or illness.

We help clients to plan their estates to protect their property and finances during their lifetime and secure those assets for their future generations.

# Personal Injury Trusts

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Wrigleys specialise in protecting funds received as a consequence of personal injury awards. In such cases, Wrigleys advise and assist in putting in place a Court of Protection Deputy or a Personal Injury Trust and explain the benefits of doing so.

We can assist by acting as a Professional Deputy or Trustee where required to protect the individual client's interests.

Advice is tailored to your individual circumstances, for instance taking into account any means tested benefits and care that may be required.



## Case Study – Tom

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Tom is 34. He had an accident aged 22 and received compensation of £250,000 in 2004.

Tom was left with severe disabilities and unable to earn any income other than from investments that had been funded by his compensation award.

Tom only received Disability Living Allowance; however, as a consequence of his award he and his wife did not qualify for Employment Support Allowance or Housing Benefit.

Tom's house could not accommodate his wheelchair and other mobility aids.

### Our advice

Wrigleys advised Tom to set up a PI Trust. The trustees were his wife (Jane) and Wrigleys Trustees Limited as professional trustee. It is not essential to have a professional trustee, but Tom and Jane opted for this to help oversee the complexities involved with tax returns, investments and benefit claims. The fees of setting up the Trust and ongoing fees were offset by the financial gains obtained through the receipt of Employment Support Allowance and Housing Benefit. We estimated that in 2015, the couple received an extra £15,000 in benefits.

Our property team advised Tom on a house purchase taking care to ensure there were no covenants in place to prevent him from making adaptations to accommodate his disabilities. The property team worked alongside a specialist architect to supervise the adaptation process and ensured that all building regulations, permissions, VAT savings and building contractual matters were taken care of.

*This is a summary of an actual case. The names and other details have been altered to preserve confidentiality.*

# Legal support for Injured, Disabled or Vulnerable people

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Wrigleys has a special focus on meeting the needs of individuals who are or may become vulnerable, injured, sick or disabled. This focus rightly extends to assisting our clients' families too with expert legal advice and representation in managing their finances, property and care.

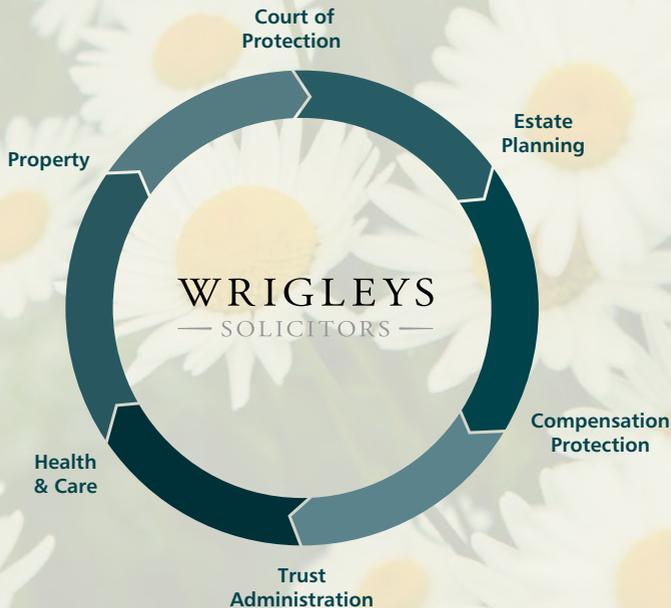
Unlike many lawyers who look after the finances and wider concerns of injured people, Wrigleys are not personal injury litigators.

Instead we concentrate on the financial and associated legal needs of people who have been injured, both during the course of litigation and for the rest of their lives.

We know that injured people have a number of inter-connecting issues to deal with which often go beyond the purely "legal" aspects.

For example:

- Applications to the Court of Protection
- Dealing with financial affairs.
- Organising care requirements or support for existing carers.
- Advising on means tested support to meet the disabled or vulnerable person's needs (for example, it might not be advisable for them to receive an inheritance outright).



## Court of Protection

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The Court of Protection is responsible for making decisions on behalf of people deemed to lack the capacity to make decisions about their own welfare, property or finances.

The Court makes decisions on behalf of any individual who lacks the mental capacity to do so themselves for example following serious injury or illness.

Our services include:

- Applications to the Court for orders covering:
  - Appointment of a Deputy, joint Deputy or professional Deputy
  - Authority to sell or purchase property
  - Authority to make gifts
  - Authority to undertake estate planning
  - Statutory Will applications
- Helping people who are responsible for others.
- Assisting where a member of a family or friend is struggling with their financial affairs but has not made a Power of Attorney.
- Acting as a Professional Deputy.

## Trusts and Deputyship Administration

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Wrigleys has a specialist Personal Injury Trust and Court of Protection administration team, which deals with all aspects in relation to administering trusts and deputyships.

The Trust Administration team are experienced in dealing with vulnerable clients and those who have a wide range of specialist needs.

The work undertaken may be expanded (or restricted) to meet the client's specific requirements, but generally includes:

- Preparation of deputyship annual accounts and Trust accounts.
- Reviewing the client's tax affairs and if necessary preparing a tax return or tax repayment claim.
- Arranging payments from deputyship or trust funds.
- Liaising with investment advisers in connection with all investment related matters.
- Liaising with other professionals and third parties as necessary.
- Maintaining and managing bank/building society and other cash accounts.
- Advising on such tax, financial and legal issues as may be required from time to time.

## Health & Care

Wrigleys represent many elderly, disabled and otherwise vulnerable people in their efforts to secure care services from social services departments and the NHS.

Public authorities must balance their legal duties to meet the needs of vulnerable people against a chronic lack of funds to do this well. The result is that community care decisions may be borderline, unfair or wrong. Our advice is, don't just accept what you are told.

Our most common queries concern:

- Eligibility for NHS continuing care.
- Disputes over the means testing of residential care.
- Should a relative stay at home or go into residential care?
- Should we be paying this care fees top up?
- Direct payments are just not enough to meet needs.
- Councils cutting services.
- Guidance for those wanting to navigate the system.

## Property services for injured or disabled people

Wrigleys Court of Protection team includes specialist property solicitors experienced in the legal elements of adapting or purchasing houses and property to meet clients' physical needs.

The team advises private individuals, their families, fellow professionals, trustees, attorneys and deputies on the following areas:

- Building work and adaptations for the disabled
- Court of Protection and Trust property procedures
- Personal Injury Trust property procedures
- Equity release

Elements to consider are:

- Assessing the availability of local authority grants and government schemes.
- Checking if planning and building regulations fees can be waived by the local authority.
- Ensuring elements of the work are zero rated for the purposes of VAT.
- Reviewing building contracts in terms of the price, specification of works, time scale for completion and phased payments.
- Experience of advising on property held in Trusts.

# Estate Planning

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We assist families and individuals in mitigating tax and preserving their assets for future generations. This can range from drafting a straightforward Will for Lasting Power of Attorney to advising on complex trust structures and pre-nuptial agreements.

WILLS &  
TRUSTS

LASTING  
POWERS OF  
ATTORNEY

PRE-NUPTIAL  
AGREEMENTS

PROBATE

## What our clients say:

*“What we thought when we walked into your office as a daunting task, with your input, has proved to be a much less complicated process.”*

## How will you work with me?

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We aim to ensure that the same solicitor advises you from start to finish.

You will be able to contact that solicitor directly by phone, email or meet with him or her if you prefer.

## Wrigleys Solicitors LLP

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