

Services for Professional Deputies, Attorneys and Trustees





Helping Professional Deputies, Attorneys and Trustees support some of the most vulnerable in our society with navigating life's challenges

At Boyes Turner, our Services for Professionals are designed to meet the bespoke requirements of Professional Deputies, Attorneys and Trustees.

As specialists in Court of Protection (COP), we understand the challenges of managing the financial affairs of those with disabilities or who lack capacity. Our expertise in Community Care, COP Health & Welfare and Special Educational Needs, means we are uniquely placed to provide holistic, pragmatic advice. We join the dots, into one neat package, bridging the gap between overlapping complex legal frameworks.

Deputies often need cost-effective, responsive, practical, but niche legal advice. Issues may range from disputes with health and social care regarding high cost care packages, to Special Educational Needs Tribunal appeals involving a costly package of support for those who are unable to attend school or college (EOTAS) or residential school placement. Coupled with this, Deputies frequently require specialist advice regarding building contracts and employment issues arising from a care team. There can also be a need for advice around divorce, relationship breakdown and wealth protection for new or changing relationships.

Subject to the scope of a Deputy's authority, any restrictions in the Deputyship Order and HHJ Hilder's decision in *Re ACC*, our expert teams are here to help.





Our specialists can help Professional Deputies, Attorneys and Trustees with:

- Special Educational Needs
- Community Care and COP Health & Welfare
- Family law
- Construction
- Dispute Resolution
- Employment
- COP Deputyship and Professional Trustee Expert Costs Reports
- Community Care, Special Educational Needs & Welfare Expert Witness Reports for Deputies and Litigators
- Training for COP teams

We can provide *Re ACC* quotes and support with *Re ACC* applications. Our teams offer a no-obligation initial chat to the Professional Community. Our teams are highly ranked in Chambers and Legal 500. We are a founding member firm of the Professional Deputies Forum.

We provide bespoke training to Court of Protection teams to assist with understanding the trigger points a Deputy should be aware of, equipping teams to navigate the complexities of statutory entitlements and other issues which may arise during affairs management.

“Laxmi Patel and the team offer an exceptional service in appealing Education Health and Care Plans. The team provide a compassionate yet commercial offering and provide Deputies with the clarity and understanding of what is needed both in respect of why any appeal is in the client’s best interests, but also a clear explanation of the likely costs and benefits.”

Special Educational Needs

Our Special Educational Needs (SEN) team here at Boyes Turner are in high demand across the country for their unparalleled ability to conduct a case from beginning to end, including representation at the hearing. The team have been helping Professional Deputies, parents and young people secure the extra help and support they need for over twenty years.

Armed with vastly successful experience of handling complex cases, plus close ties to relevant professional bodies, their expert advice is balanced with care, passion and empathy. Our unique expertise in Community Care & SEN means we are well-placed to provide joined-up advice.

Our team can offer as much or as little as required. Examples of our work include:

- EHCP health checks.
- EHC needs assessments.
- Gathering evidence to build a case for special educational provision or a particular educational placement.
- Annual Reviews.
- Challenging provision failures.
- School transport.
- Appeals to the Special Educational Needs & Disability Tribunal (‘SENDIST’), involving Sections B, F and I, in addition to extended appeals to include challenges in relation to health and/or social care.
- Expert Witness reports.



Community Care & Welfare

Our team specialises in education, health, social care and welfare. Our combined expertise across Community Care, COP and SEN, means we are uniquely placed to provide comprehensive legal advice relating to the rights of children and adults living with an injury, disability or illness. We provide an unrivalled all-age service which complements and extends the expertise of our highly specialist Special Educational Needs team.

We are well-versed in providing niche, tailored advice, to COP Property & Affairs Deputies, particularly those managing the affairs of catastrophically injured children and adults. Not only do we work as part of Boyes Turner's COP team focusing on specific issues that are within general authority (pursuant to *Re ACC*), but we also assist external Professional Deputies nationally.

Our team recognises that resolving welfare disputes requires expert technical knowledge, combined with pragmatism, empathy, humanity and skill. In view of *Re ACC*, our team keeps a careful eye on how the issues at hand sit with the Deputy's authority throughout our instruction.

We can assist with:

- Statutory funding health checks.
- Securing care and support from a Local Authority, advising on the needs assessment process.
 - Direct payments, personal budgets and annual reviews.
 - Financial assessments, deprivation of assets and care charges disputes.
- Pre-Action Protocol disputes and Judicial Review.
- Continuing Care (Children & Young Persons) and NHS Continuing Healthcare (Adults) eligibility.
 - Continuing Care and NHS Continuing Healthcare Appeals.
 - NHS funded care planning, including Personal Health Budgets, annual reviews.
 - NHS & social care high-cost package disputes.
- Child & Adolescent Mental Health provision (CAMHS).
- Section 117 Mental Health Act 1983 aftercare.
- Disabled Facilities Grants.
- Mental capacity and best interests decision-making.
 - Personal Welfare deputyship, including contested deputyship applications.
 - Court of Protection Welfare applications.
 - Deprivation of liberty issues.
- Inherent jurisdiction proceedings.
- Safeguarding and financial abuse.
- Transition to adulthood.
- CQC regulatory issues.
- Expert Witness reports.
- Training for COP teams.
- Community Care, Special Educational Needs & Welfare Expert Witness Reports for Deputies and Litigators.

“Knowledgeable, organised, responsive, diligent, empathetic and human”.

“James has a great analytical brain and provides clear and insightful advice. He also has great empathy and brings his humanity when dealing with health and social care matters.”



Family

Our specialist family law team can provide pragmatic and practical advice to those tasked with making key family decisions, whether at the outset, during or on the breakdown of a relationship. We have experience of advising on family law issues involving protected parties, so know what is needed and how to handle what can be challenging circumstances.

Our expert team will often be called upon to advise on a range of issues, such as:

- Cohabitation agreements and issues arising from new relationships.
- Nuptial agreements to offer protection upon marriage.
- Divorce and separation, including guidance if acting as a litigation friend.
- Financial arrangements on divorce or separation.
- Support, arrangements and disputes relating to children.
- Domestic abuse, injunctions and other protective measures.
- Issues faced by parents and grandparents.

Construction

Our Construction team are able to support Deputies with property adaptation projects.

Issues the team can assist with include:

- Advising on the appropriate form of contract.
- Drafting or reviewing amendments to standard form contracts (such as JCT).
- Preparing professional appointments for architects, structural engineers etc.
- Dealing with ancillary documents such as collateral warranties.

Dispute Resolution

Our Dispute Resolution team advise Deputies where issues have arisen, particularly in the context of property adaptation works.

The team advises on issues such as:

- Disputes with contractors relating to payment, quality and progress of the works.
- Advising on terminating contracts with contractors and other construction professionals.
- Negligence claims against professionals such as architects and surveyors.
- Assured shorthold tenancy agreements relating to temporary accommodation including related disputes.
- Contractual disputes, e.g. in relation to the supply of defective equipment.

**“Extremely measured,
gives very sensible advice.”**



“Excellent in providing prompt, practical advice. Able to get to grips quickly with complex law and scenarios. Very approachable and willing to assist.”

Employment

Our highly ranked Employment Team has advised Professional Deputies, Attorneys and Trustees for many years and are very familiar with the issues that might arise.

In particular they advise on a range of matters including:

- Contract formation and variation.
- Status issues including pensions and holiday pay.
- Employee relations.
- TUPE transfers.
- Disciplinary and grievance processes.
- Performance management.
- Termination (including Redundancy).
- Right to work checks.
- Dispute resolution and Settlement agreements.

We have experience of working closely with clients' legal expense insurers.

Meet the team

Special Educational Needs



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Community Care & Welfare



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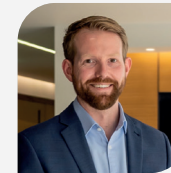
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