

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/Public Law, 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.

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:

- Community Care / Public Law and COP Health & Welfare
- Special Educational Needs
- Dispute Resolution and Construction
- Employment
- COP Deputyship and Professional Trustee Expert Costs Reports
- 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 of the Professional Deputy 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.



Community Care/Public Law & COP Health and Welfare

Our specialist team provide expert advice on how to access the education, health and social care support that a Donor, P or Beneficiary, may be entitled to. In addition, we may be able to assist with challenging decisions made by public bodies. If appointed as a Professional Deputy, there is an obligation to explore statutory funding to maximise P's funds and to ensure that Deprivation of Liberty issues are addressed.

We can assist with:

- Statutory funding health checks.
- Securing care and support from a Local Authority, advising on the needs assessment process.
- Direct payments and personal budgets.
- 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.
- NHS funded care planning, appeals, annual reviews and high cost package disputes involving Equity & Choice policies.

- Child & Adolescent Mental Health provision.
- Section 117 Mental Health Act 1983 aftercare.
- Disabled Facilities Grants.
- Mental capacity, best interests decision-making and the COP. Including Personal Welfare Deputyship applications.
- Deprivation of liberty issues.
- Safeguarding and financial abuse.
- Inherent jurisdiction proceedings.
- Transition to adulthood.
- CQC regulatory issues.
- Expert Witness reports.
- Training for COP teams.

“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.”

“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.



“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 have 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.

Dispute Resolution and Construction

Our Dispute Resolution and Construction teams are often instructed to provide advice to Deputies, particularly in the context of property adaptations.

Issues the team can assist with include:

- Building contracts and professional appointments where adaptations to a property are required.
- Disputes with building contractors and other professionals arising out of adaptation projects.
- Assured shorthold tenancy agreements relating to temporary accommodation including related disputes.
- Any contractual disputes e.g. in relation to the supply of defective equipment.

“Extremely measured, gives very sensible advice.”



“The team leaves no stone unturned and is very good at explaining complex and emotional issues to clients.”

Court of Protection

As a nationally recognised specialist in COP property and affairs, with many years' experience, our team can offer Professional Deputyship and Trustee Expert Costs Reports.

“The Team is very client focused and gives a high level of attention. The lawyers are meticulous in the level of detail in all aspects of work and highly professional”.

Meet the team

Community Care / Public Law & COP Health and Welfare



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