

Commercial

Commercial Property
Company & Commercial
Employment
Legal disputes

Private Client

Employment
Family law issues
Injury claims
Legal disputes
Moving home & buy-to-let
Professional negligence
Wills, probate & tax planning
Elderly client & incapacity law
Court of Protection

Mullis & Peake
8-10 Eastern Road
Romford
Essex RM1 3PJ
Tel: 01708 784000
Email: office@mplaw.co.uk

Elderly Client Services

Samantha Hamilton
Tel: 01708 784064
samanthahamilton@mplaw.co.uk

Carol Etherington
Tel: 01708 784095
caroetherington@mplaw.co.uk

Lorraine Warren
Tel: 01708 784073
lorrainewarren@mplaw.co.uk

www.mplaw.co.uk

Elderly Client & Incapacity Law



Mullis & Peake LLP
Solicitors

Better advised

Mullis & Peake LLP
Solicitors

Better advised

Elderly Client & Incapacity Law

Assistance with your affairs

When you grow older your ability to deal with your own affairs may change. It may no longer be possible for you to get out and about as much, or you may suffer a loss in your ability to understand what needs to be done.

Mullis & Peake can advise you on the different methods of ensuring that your affairs will be dealt with if you are no longer able to do so.

Lasting Power of Attorney (LPA)

The LPA replaced the Enduring Power of Attorney (EPA) in October 2007. Existing EPAs continue to be valid, but new EPAs cannot be created.

The LPA allows you to appoint an attorney to help you deal with your financial affairs. Unlike the EPA an LPA must be registered at the Office of the Public Guardian before it can be used.

There are two types of Lasting Power of Attorney, Finance & Property and Health & Welfare, both of which are monitored by the Court of Protection.

Presently a Living Will can be drafted to direct doctors as to your wishes for medical treatment. An Health & Welfare LPA can allow you to appoint a person to make this type of decision on your behalf.

Deputies

If a person is unable to deal with their financial affairs as a result of mental incapacity the Court of Protection can appoint a Deputy to act on their behalf. Mullis & Peake LLP can advise on this procedure and acts as a Deputy to many clients.

Deputies act for those without an existing EPA or LPA who have lost the capacity to appoint an attorney. The application for the appointment of a Deputy is more complicated and the ongoing costs are more expensive than an LPA. Mullis & Peake LLP recommend that you put your affairs in order even where no capacity issues are foreseen.

Nursing Homes

When friends or relatives move to residential care it can be an emotive issue. Whilst many recognise the need for additional care and assistance, there will also be concerns about the finances of the resident.

Mullis & Peake LLP can advise you on the proper funding of nursing care to avoid further worry at what will already be a difficult time.

Continuing Healthcare Funding & Registered Nursing Care Contribution (RNCC)

The NHS has a legal duty to assess the needs of those needing nursing care. The NHS must pay for care in full, or make a contribution to the costs of care, where nursing needs are identified.

We can ensure that the necessary assessments are undertaken and challenge decisions that fail to note the true needs of the resident.

Panorama on BBC1 has shown two programmes highlighting the inconsistencies and injustices in the application of the criteria used to assess care needs. We have experience and success in recovering fees paid in error.

Local Authority Financial Assessments

If a resident does not qualify for Continuing Care Funding from the NHS an assessment will be undertaken to determine what contribution they should make from income and assets.

We can advise you on assets that can and should be disregarded when assessing the contribution, for example, the marital/family home and other co-owned property.

The funding of care is highly complex with various rules and regulations relating to who is responsible for funding care. It can be difficult to find independent expert advice dealing with the overlap of responsibility for funding between the individual, the Local Authority and the NHS.

Mullis & Peake LLP is a limited liability partnership registered in England and Wales, number OC339711. A list of members' names is available for inspection at our registered office 8-10 Eastern Road, Romford, Essex RM1 3PJ. Authorised and regulated by the Solicitors Regulation Authority.

The information contained within this publication was correct at time of going to press.