



ELDERLY & VULNERABLE CLIENT ADVICE

Our specialist team is here to guide you when facing the worry of mental incapacity or the requirement for long-term care.

Whether you are planning ahead or confronting these issues today, we provide expert advice and understanding when it's needed most.

everyys
solicitors

About Everyys

Everyys is a full service law firm providing high quality legal advice to families and businesses across the South West. Founded in the 18th Century, we have many years' experience delivering legal advice to the highest level. We place great value on the on-going relationships we have with our clients.

We always provide a welcoming and helpful service, with clear communication at the heart of everything we do.

Our Expertise

Lasting Powers of Attorney

A Lasting Power of Attorney (LPA) allows you to give a trusted member of family, friend or professional adviser the legal authority to make certain decisions for you if you become unable to manage your affairs yourself. There are two types of LPA: one dealing with financial decisions such as investments, and the other dealing with health and care decisions, including life sustaining treatment. It is very important to set up LPAs while you are still mentally capable of doing so.

We provide advice and assistance with the preparation of Lasting Powers of Attorney as well as the registration of Enduring Powers of Attorney, which were the documents used until LPAs were introduced in October 2007.

Court of Protection Applications

The Court of Protection has jurisdiction to assist people who lack mental capacity to make decisions. The Court can also give powers to appoint a Deputy, such as a member of family, friend or professional adviser, to make decisions if someone has lost capacity and not named an attorney. If a person wishes to act as a Deputy, an application must be made to the Court to appoint them in this capacity.

We can assist with the complexities of making applications to the Court. On occasions, it is necessary to make an application to Court on specific matters such as Statutory Wills and appointing Trustees. This is of particular importance for parents of an incapacitated child reaching adulthood.

Care Fee Planning

The rising cost of care is worrying for many people. If you require care in later life then your assets and property may be at risk to fund this. Whilst some individuals will, unadvisedly, attempt their own planning, complexities, such as taxation and deliberate deprivation of assets, are seldom considered before it is too late. It is, therefore, important that you take appropriate legal advice early on to navigate the common pitfalls and help safeguard your assets for the next generation.

NHS Continuing Healthcare Funding and Local Authority Funding

NHS Continuing Healthcare Funding is available where someone with long-term complex health needs has been assessed as having a "primary health need" requiring the provision

of care by the NHS. Eligibility is assessed by the NHS with reference to the guidelines set out in the NHS Framework and an assessment by a team of healthcare professionals (a “multi-disciplinary team”). It is important to understand the scope of the Framework and that not everyone requiring care has primary healthcare needs. We can assist with making an application for funding or claims where you believe the funding has been incorrectly denied.

We can advise on the availability of alternative funding through Local Authority Assessments and other benefits, and what assets may be disregarded from a financial assessment.

Care Home Contracts

It is important that you, or your attorney, understand the contract entered into and the terms and conditions of your care. We have the experience and expertise to analyse your care contract so you don't have to. We consider important questions, such as: Will the service meet your expectations? Are the costs affordable? What will happen in the event that you can no longer meet these costs? If an attorney is signing on your behalf, is it clear that they will not be personally liable in the event that you cannot meet the on-going costs?

Management of Finances

We are often asked to act as a Professional attorney or Deputy for clients where there are no relatives able or willing to act. Our specialist team will ensure care fees are paid, pension is collected, funds are appropriately invested and tax returns completed.

Statutory Wills

A Statutory Will is a Will that is put in place for someone who has lost the capacity to make a Will themselves. It may also be necessary when someone who has lost capacity already has a Will but it is out of date because of a change in their circumstances. It is not possible for this to be done by an Attorney or Deputy alone. We can assist with the necessary specific application to the Court of Protection for a Statutory Will.

Advance Decisions and Living Wills

An Advance Decision (otherwise known as a Living Will) can be prepared to state the receipt or refusal of medical treatment or care you wish to receive if you lost the capacity to make your own decisions in the future. This can include your wishes regarding life sustaining treatment. We can discuss with you the purpose of the document and who the best medical adviser may be to assist you with an Advance Decision.

And When Problems Arise

We can advise if there are disputes over care home fees; concerns over levels of care; or fears that your loved one has suffered, or even died, as a result of negligent care or medical treatment.

We have considerable expertise in investigating financial abuse of elderly and vulnerable people, and having transactions obtained through undue influence set aside.

Please do not hesitate to contact us, for initial advice and assessment, if you have concerns about your Relative's care or finances.

Our People



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