

Kingsley
Napley


Court of Protection and Deputyship

Helping you manage your affairs
the way you want them to be managed



It is human nature to think ***“it will never happen to me”***, but it is a sad fact of life that an increasing number of us will, at some point, lose capacity to make decisions about the management of either our property and financial affairs or personal welfare. This may be due to illness, old age or perhaps as the result of personal injury or medical negligence, and it often happens at the most inconvenient of times.

Our expert team of Court of Protection and Deputyship lawyers can help you overcome the challenges these situations bring and provide forward planning, support and advice in situations where a person lacks capacity to make their own decisions.



You have been understanding to my circumstances and supportive to my family. I feel assured that any information i'm unsure about has been explained to me. Having a child with complex needs can be challenging and requires quick results - sensitivity goes a long way



Court of Protection and Deputyship

By planning ahead and making a Lasting Power of Attorney (LPA), you will have the comfort of knowing that your trusted Attorney will be able to take on the responsibility of managing your finances. But what would happen if an LPA was not in place and you should lose capacity to manage your own affairs?

The Court of Protection exists to help people who are no longer capable of making some or all of their own decisions, usually by authorising the appointment of a Deputy (who can be either a lay Deputy, e.g. a family member, or a professional Deputy). Our specialist and highly experienced Court of Protection team is here to help and support you at an often difficult and stressful time in your life.

If you are considering applying to be appointed as a Deputy, we can advise you on the application and support you in that role. The process of making an application can be stressful, confusing and lengthy and we will help and guide you throughout. We also regularly act as a professional Deputy in situations where there is no-one else suitable or where no family members wish to take on this demanding role.

We have particular expertise in advising on issues for property and financial affairs deputies and our specialist experience in this field means that we will be able to help you, however difficult your situation may be. We are equally able to assist you with more complex matters such as the sale, purchase or adaptation of a property, applying for authority to make a gift or engage in tax planning, or perhaps seeking authority to make a Statutory Will.

We also specialise in cases involving compensation awards and many of our clients come to us as a result of clinical negligence, often from injuries caused at birth, or after suffering a serious personal injury. Involved from the early stages of a claim, we work alongside our highly rated clinical negligence & personal injury team in providing support and assistance to ensure you get the best possible outcome. As a result, we get to know our clients extremely well and we therefore have full understanding of your background and needs. We can assist in the litigation process by providing expert evidence in support of the claim for future Deputyship costs.



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We have always been happy with the expert and professional service we have received from Kingsley Napley, both with the handling of our son's claim for compensation, and now with Deputyship services

To speak with a member of our Court of Protection and Deputyship team, please email us or call 020 7814 1200

How we work with you



Great knack of explaining things in a down to earth, matter of fact way that always makes us feel we are in safe and knowledgeable hands

While we have longstanding experience in supporting clients in respect of Court of Protection and Deputyship, we don't presume to know what you would want. This means listening to you, your family and your wider support team to understand what your needs and objectives are. If we are appointed as your Deputy, we will work with you to enable you to make your own decisions whenever possible. We never forget that this is your life and your money and we fully respect your life choices.

We are a pragmatic team who live in the real world - we are happy to visit you at home and we will work closely with you to achieve the best outcome. We know life can be complex and difficult and we will do whatever we can to improve your situation. Rather than just tell you what the law is, we will provide clear and succinct advice and make recommendations so you can make informed decisions. Whatever we do, you can be confident that we will always act in your or your loved one's best interests.

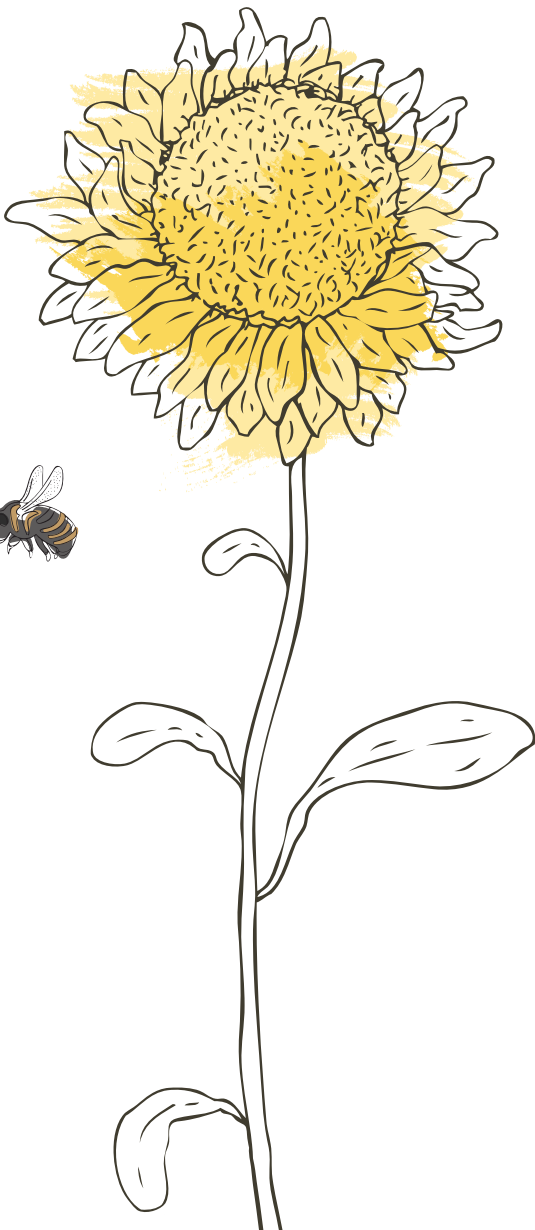
To provide you with a fully supported service, we work in close collaboration with your wider network of supporters and advisers, e.g. your case manager, therapists, property agent, accountant, financial advisor, investment manager and educational lawyer.

Our services

We can assist you with the following services among others:

- Appointing and supporting Deputies
- Professional Deputyship services
- Lasting Powers of Attorney
- Selling, buying or adapting properties
- Gifts and tax planning
- Statutory Wills
- Personal injury trusts

Working closely with other teams at Kingsley Napley, we can also draw on the experience of our clinical negligence & personal injury, real estate, family, corporate & commercial, employment, private client and litigation teams to assist you with a wider range of legal issues.



Client stories

Linda's story - changing a professional Deputy

Linda was involved in a serious car accident when she was very young and suffered significant injuries. A compensation claim was pursued and she was awarded a significant sum to meet her needs for the rest of her life. Due to the extent of her injuries, she was unable to manage her own financial affairs and a professional Deputy was appointed by the Court of Protection.

Over a number of years, Linda and her family became frustrated with the relationship with their Deputy. They felt he didn't always listen to them or properly take account of their views and feelings when making decisions about her financial affairs. While their Deputy wasn't doing anything wrong as such, things weren't working out the way they had hoped for and they decided to change Deputy.

Linda and her family undertook careful research to find the right type of Deputy. They met with Simon Hardy at Kingsley Napley who spoke with them about his philosophy and approach to working with clients and they agreed to Simon applying to take over as Linda's Deputy. The situation was explained to Linda's existing Deputy, who accepted the situation and the application to the Court of Protection for the change was unopposed. Sadly, this isn't always the case.

Simon was appointed as Linda's Deputy and now works closely with her and her family, building a strong and positive working relationship. Although she lacks capacity to manage the entirety of her financial affairs, she still retains substantial capacity and is able to make her own decisions about many day to day matters. Linda has strong views about what she wants and Simon regularly consults with her so that she remains fully involved in decision-making around her own finances.

John's story - gaining independence

John was born in the 1980s. There were complications during his birth and he was unable to breathe. The medical staff took a long time to intubate and resuscitate him and as a result, his brain did not have oxygen for some time. This caused brain damage and John was diagnosed with cerebral palsy.

On instruction by John's mother, his litigation friend, Kingsley Napley's clinical negligence team brought a claim for the damage caused to John. The claim was successful and settled when he was in his late teens for a substantial capital sum together with periodical payments for the rest of his life.

A medical report showed that John lacked the capacity to manage his financial affairs and the Court of Protection appointed a professional Deputy from Kingsley Napley. As John's Deputy, Simon Hardy always takes into account his wishes. Working closely with John and his family, Simon arranged for the right care package to be put in place and for a new home to be bought and adapted for all of John's needs. His adapted home means that he can be independent and manage many of his daily tasks himself. Part of the compensation money has been invested to ensure there is enough money for John to have the right care and equipment for the rest of his life.

John receives a monthly allowance, which he manages himself. With the support of Simon as his Deputy, John is able to enjoy his life and live as independently as possible, including undertaking adventurous outdoor activities and holidays, without having to worry about taking care of his finances on a daily and long term basis.



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Kingsley Napley is an internationally recognised law firm based in central London. Our wide range of expertise means that we can provide support for our clients in all areas of their business and private life. Many of our lawyers are leaders in their field and our practice areas are highly ranked by the legal directories.

We are known for combining creative solutions with pragmatism and a friendly, sensitive approach. The relationship between lawyer and client is key. We work hard to match clients with lawyers who have the right mix of skills, experience and approach in order to achieve the best possible outcome.