

Our People,  
Your Team.

Lanyon Bowdler  
SOLICITORS

# Court of Protection.

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# Why Choose Lanyon Bowdler?

**Our specialist department will provide you with a comprehensive and personal service.**

- A good relationship with your lawyer is critical to enable effective communication. We will provide the personal touch and communicate with you regularly to establish and build a relationship of trust.
- Your case will be conducted by a specialist carefully matched to the particular needs of your case.
- Your specialist lawyer will be supported by a team to ensure there will always be someone available to discuss your case. This means your case will be reviewed regularly.
- We offer home or hospital visits.

## We have a record for success and a wealth of knowledge in difficult and complex cases.

- Head of department, Neil Davies, has been appointed as a professional deputy in a number of high value cases and speaks regularly on Court of Protection and mental capacity matters.
- Neil and departmental partner, Lucy Speed, are recommended nationally by The Legal 500 UK directory. The 2024 edition states: *"Led by Neil Davies, the deputyship team at Lanyon Bowdler is praised for its 'strength in depth' and being 'a safe pair of hands'. The practice deals with a range of complex property and affairs matters, as well as receiving instructions on welfare cases. The department manages approximately 60 deputyships and trusts with assets in excess of £120m"*.
- We have solicitors who are fully accredited members of the Association of Lifetime Lawyers and the Court of Protection Practitioners Association.
- We work with highly regarded, tried and tested medical experts, case managers, therapists and financial advisers.
- We work seamlessly with our Personal Injury and Clinical Negligence Departments, both of whom are ranked in Chambers UK and The Legal 500 directories.
- Prevention of harm and abuse to vulnerable adults who lack capacity is one of our specialities and we work closely with and provide advice to Independent Mental Health Advocates, social workers and care providers.

## We will be thorough in getting the best result for you and your family.

- We will consider your case in the finest detail and achieve the best results possible.
- We have a proven track record in taking over cases from other solicitors, where we have been able to achieve much better outcomes for clients.
- We can introduce you to independent financial advisers and set up trusts to manage compensation.
- Lanyon Bowdler has dedicated specialists to advise on welfare benefits and care funding and we can also assist with powers of attorney, wills and estate administration.

# Frequently asked Questions.

## What makes Lanyon Bowdler different from other solicitors?

- As solicitors who specialise in mental incapacity arising from acquired brain injury and degenerative disease, we have experience in signposting our clients to independent and experienced agencies, who will help establish care regimes, suggest therapies and source appropriate accommodation. With this multi-disciplinary approach we are able to offer maximum support to a family at the time of crisis.
- It is recognised that Court of Protection work is evolving into a specialist field of law and it is becoming clear that practitioners, who do not specialise in this area, are finding it increasingly difficult to navigate Court of Protection practice and procedure.
- We are one of only a very small number of firms in the region who have a dedicated Court of Protection department and who act as professional deputies. This means we can quickly identify the important issues in each case and devote our time and expertise to solving them. This is distinct from most firms, who deal with Court of Protection work on an ad hoc basis as part of a generic service.

“ *Very approachable, always presents information very succinctly and clearly. Questions always answered and queries resolved.* ”

Mr M Bishop

## What do I need to prove in a Court of Protection application?

The Court of Protection only has jurisdiction to consider cases where the person to whom the proceedings relate lacks mental capacity. We will advise you on the prospects of success. In order to be successful, you need to establish several facts:

- That the person in question is unable to make a decision for themselves.
- That this inability is because of an impairment of or a disturbance in the functioning of the mind or brain.
- That the decision or act that needs to be made on their behalf is in their best interests.

## What sort of cases does the Court deal with?

The role of the Court of Protection is to authorise decisions and actions on behalf of persons lacking mental capacity. The most common cases involve:

- One-off decisions about the person's financial affairs or health and welfare.
- The appointment of a professional or lay deputy where it is likely that such decisions will need to be made on an ongoing, repeated basis.
- Making a will on behalf of the person (known as a statutory will).
- Making financial gifts on behalf of the person to family members.
- Buying and adapting a property.
- Payment to family members for care provided (also known as Family Care or Gratuitous Care payments).
- The removal of deputies or attorneys who have failed to act in the best interests of the person.

## How long will my case take?

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It depends on the complexity of your case. We will give you an estimate once we have more information. Main factors in the length of the case are obtaining medical evidence, the depth of investigations and whether anyone objects to your application. In some cases, the Court will appoint the Official Solicitor to act on behalf of the person lacking capacity and this can lengthen the time the case takes.

We shall minimise the time taken to conclude your case by setting out your application to the Court clearly and robustly.

**“ Proactive in finding solutions to problems. Great to work with.**

Mrs G Sheen

## How will I pay for your services?

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We will detail your funding choices and the pros and cons of each when we meet, and we will not proceed without your approval of your funding strategy. In most cases involving financial matters, the Court will direct that the costs of the case are met from the funds of the person lacking capacity. However, the Court has discretion to depart from this rule, for example where an application had no real prospect of success.

**“ Very professional but friendly approach to clients.**

Mr S Rhodes

# Example Cases.

## Case A

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J was financially abused by her son, which resulted in his conviction and imprisonment for theft of £250,000 from his mother's bank account. Lanyon Bowdler was recommended to J's brother by the police.

J's brother was concerned that J's will, made several years ago, left her estate entirely to her son, which was thought not to be in her best interests.

Lanyon Bowdler made an application for the Court to authorise a new will for J. J's son objected but the Court was satisfied that a new will, which left J's estate to other family members, was in her best interests.

## Case B

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D was injured in a road traffic collision several years ago and his personal injury claim settled for several million pounds. The majority of D's care had been carried out by his father but since the father was also D's financial deputy, he was not entitled to be paid for the care that he provided, even though D was capable of agreeing to this. Instead, D was forced to use his money to employ a professional care agency, who, in turn, employed the father, costing D an excessive amount of money.

The solicitors who had settled the personal injury claim did not have sufficient expertise in Court of Protection matters and had told D's father it was too complicated to take to Court. D's father was introduced to Lanyon Bowdler's Court of Protection department, who took the case on and made a successful application for the care agency's contract to be terminated and for D's father to receive payment directly.

“ Nice people who clearly **care** about doing the **right thing** for their clients.

Mr S Farnfield

“ We don't know where we'd be without **all your hard work** and help.

Mrs J G T

“ Personal service and **dedication** to each client as an **individual**.

Mrs C Collins



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